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Southern District of Florida
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GORDON WINSLOW
9350 NW 12 ST
MIAMI FL 33172
TELEPHONE NO: 305 593-1352

PLEASE ORDER THE FOLLOWING CASE FILE(S):

CASE NO.:

80-1121-CIV JEWKEHOE

STYLE:

HUNT VS LIBERTY LOBB

Thu Feb 17 09:56:25 1994

UNITED STATES DISTRICT COURT

MIAMI, FL

Receipt No. 100 634067
Cashier dixon

Tender Type CASH

Transaction Type N

DO Code Div No Acct
4600 1 322360

Amount \$ 25.00

GORDON WISLOW

RETRIVAL

DATE

2-17-94

SIGNATURE

[Handwritten Signature]

3900 SW 2 Terrace
Miami, FL 33134

February 18, 1994

RE: LIBERTY LOBBY CASE

Dear AJ,

Due to some technical problems in the Federal court, the file will not be here until around April first.

The file consists of two boxes. If I order the file to be copied by an outside duplicating service, the cost is only ten cents per page. (With the court it is fifty cents per page).

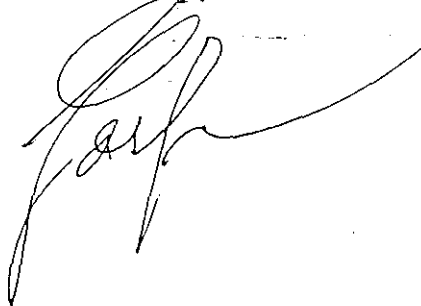
~~Let me know exactly what depositions you want copied.~~ If you want ALL the depositions and transcripts, this can be done. I will also review the file for pertinent information that may be contained in any of the pleadings and let you know. If you want everything, pleadings, depositions, and transcripts, I can simply call them and have this done.

Let me know soon what you want me to do.

FYI, I have ordered the eight reels of microfilm containing all the Dallas PD records. It should be here within four weeks. If you want a copy, I can make you one at cost with the County micrographics unit. (National Archives cost is \$26/reel). The cost with us is \$12/reel, postage included. Please specify negative or positive copies. They are on 16mm film and contain all the written reports and photographs.

I also have the 42 reels of Commission Documents on 35mm. I can send you any of these at cost also. If you need a specific Document copied onto hard copy, let me know.

Sincerely,

A handwritten signature in dark ink, appearing to be 'J. L. ...' or similar, written in a cursive style.

DIST.	DOCKET NUMBER	FILING DATE MO. DAY YEAR	J	N/S	O	PT	DIS	23	3	DEMAND OTHER	NUMBER	DEM.	YR.	NUMBER
53C	1. 80-1121-CIV-JWK	05 06 80	4	320	1					NEAREST \$1,000 9999+	3024	P	80	1121-CIV JWK

PLAINTIFFS

HUNT, E. HOWARD, JR.

DEFENDANTS

MARCHETTI, VICTOR L. and
LIBERTY LOBBY, a D.C. Corp.

CAUSE

ASSAULT, LIBEL AND SLANDER:
Suit to collect for false and
malicious statements written by deft
28 U.S.C. 1332

ATTORNEYS

ELLIS RUBIN
265 NE 26th Terr.
Miami, FL. 33137
Tel: 576-5600

OBER, KALER, GRIMES & SHRIVER
By: William A. Snyder, Jr., Esquire
Kevin A. Dunne, Esquire
1600 Maryland National Bank Bldg.
Baltimore, MD 21202
Tel: 301 685-1120

TALBURT, KUBICKI & BRADLEY
701 City National Bank Bldg.
25 West Flagler Street
MIAMI, FLORIDA 33130
Tel 374-1212

FLEMING LEE
300 Independence Avenue, SE
Washington, DC 20003

MA
G P
R
F Hunt

Hunt

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	CD. NUMBER	CARD	DATE MAILED
	8/10/81	CCA pd. (deft. Liberty Lobby)		JS-5	MAY 1980
	3/9/82	DC & CCA PD. (deft. Liberty Lobby)		JS-6	

DATE	NR.	PROCEEDINGS	JS-5 X-Cards
1980			
May 6		COMPLAINT. (\$3,500,000.00+)	1
6		Summons issued to deft-Marchetti. Copy to file.	2
6		Summons issued to deft-Liberty Lobby. Copy to file.	3
20		Summons ret'd exec. 5/12/80 as to Liberty Lobby.	4
June 2		Letter regarding: Copy of stp. of extension of time.	5
2		Stipulation allowing the Deft. time to respond to complaint	
		is extended untill 6/11/80. (Liberty Lobby)	6
4		Petition for limited appearance. (Fleming Lee)	7
4		Stipulation allowing deft time to respond to comp.	
		(both parties)	8
9		ORDER: Granting Petition for limited appearance of	
		Fleming Lee. (6/9/80/JWK)	9
11		Motion to dismiss compalint (Deft. Libert Lobby)	10
11		Affidavit of Fleming Lee	11
11		Affidavit of Anne Cronin	12
11		Affidavit of Bernard DeRemer	13
11		Memo of law in support of Deft. Libert Lobby Inc. Motion to	
		dismiss. (Deft)	14
JULY 9		Summons issued to Marchetti ret'd exec on 6/18/80.	15
15		Motion of Deft Victor Marchetti to Dismiss the Cplt.	16
15		Affidavit of Victor L. Marchetti.	17
15		Memo of Law in support of Motion of Deft Victor L. Marchetti	
		to dismiss the complaint. -	18
NOV 6		ORDER Case is DISMISSED for lack of Jurisdiction. JWK.	19
		11/6/80 MC 11/7/80.	
6		ORDER Motion of Fleming to Appear is GRANTED .	
		11/6/80 JWK.	20
11		Summons issued to Liberty Lobby. Copy to file.	21
11		Amended Complaint for Libel (Pltf).	22
1981			
JAN 7	23	LETTER from atty LEE re receipt of AMENDED COMPLAINT FOR LIBEL.	JT
9	24	SUMMONS issued to Liberty Lobby ret'd exec by serving Mr. DeRemer Sec	JT
		of Corp. on 1/2/80.	
15	25	MOTION for ext of time in which to respond to amended complaint and	JT
		incorporated memo of law in support therefore. (DEFTS).	
21	26	ORDER (JLK) granting ext. of time to respond to amended complaint	
		to 1/30/81. (EOD-1/23/81-CCAP)	rw
30	27	MOTION of Victor Marchetti and Liberty Lobby to strike, or in the	rw
		alternative to Dismiss, the Amended complaint.	
FEB 23	28	MEMO of law in opposition to Defts Motion to strike or dismiss amended	JT
		comp and Pltfs Motion for default. (pltf).	JT
MAR 2	29	MEMO of law in Opposition to Pltfs Motion for Default. by Defts.	
Jun 29	30	ORDER (JWK) on mot to strike or to dismiss, defts mot to strike is	
		denied, and deft's mot to dismissee is granted. The	
		amended complaint is dismissed without prejudice as to	
		deft Marchetti. Deft Liberty Lobby has 20 days from date	
		of order in which to file its answer to the amended complt,	
		this cause is set for trial immediately upon the filing	
		of deft's answer. (EOD-7/7/81-CCAP).	cs
Jul 15	31	MOTION for stay of proceedings pending disposition of petition for writ	cs
		of mandamus, by deft's.	
CONTINUED			

CIVIL DOCKET CONTINUATION SHEET

80-1121-CIV-JWK

PLAINTIFF		DEFENDANT		DOCKET NO. _____
E. HOWARD HUNT, JR.		VICTOR L. MARCHETTI, et al		PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS		
1981	32	ORDER (JWK) denying mot for stay of proceedings. (EOD-7/28/81-CCAP).		
AUG 7	33	ANSWER to amended complt, by deft.		
10	34	NOTICE OF APPEAL by Deft-Liberty Lobby, Inc. from Order entitled Order Denying Motion for Stay of Proceedings ent. 7/28/81. (Copies to USCA, Ct Rept & all counsel of record)		
12	35	ORDER (JWK) setting cause for trial commencing week of 11/16/81. (EOD-8/17/81-CCAP).		
18	36	LETTER from Brenda Hauck, deputy clerk, Atlanta Georgia, 5th Circuit ct, to JIBogard, Clerk, re: enclosures of cert copies of court's orders denying writ of mandamus		
18	37	COPY of writ of Mandamus being denied, by Circuit Judges Hill, Vance and Henderson, from U.S. Court of appeals for the 5th circuit.		
17	38	ORDER (JWK): Deft is given 20 days from date of this service to answer all above and foregoing interros, or to file appropriate objections. (EOD-9/18/81-CCAP)		
SEPT 28	39	NOTICE of taking dep of E. Howard Hunt Jr. on 10/28/81 at 10:00.		
28	40	REQUEST for production , by deft.		
28	41	NOTICE of appearance of Talburt, Kubicki & Bradley as counsel for deft Liberty Lobby.		
28	42	INTERROGATORIES to E. Howard Hunt, by deft Liberty Lobby.		
OCT 08	43	ANSWERS to interros, by dfet Liberty Lobby.		
08	44	MOTION to shorten time, by deft.		
14	45	REQUEST for admissions, by pltf.		
14	46	NOTICE of taking dep of James Paul Tucker, managing editor of The Spotlight on 10/28/81 at 5:00.		
14	47	NOTICE of taking dep of Barnard DeRemer on 10/29/81 at 9:00.		
14	48	NOTICE of taking dep of Fleming Lee, Esq. on 10/29/81 at 11:00.		
14	49	NOTICE og taking dep of Victor Marchetti on 10/28/81 at 1:00.		
14	50	NOTICE of taking dep of Willis A. Carto on 10/28/81 at 3:00.		
14	51	REQUEST to produce, by pltf.		
23	52	EMERGENCY verified mot for protective order, by deft.		
22	53	LETTER from Miles A. McGrane to Ellis S Rubin, Esq. re; notice of dep.		
23	54	MEMO in supp pf deft's mot for protective order, by pltf.		
26	55	AGREED ORDER (JLK): Deft's mot to enter protective orders quashing pltf's notice to take deps of Fleming Lee, Esq., Bernard DeRemar, Willis A. Carto and James Paul Tucker is granted and pltf's notices of taking deps of above is quashed. (EOD-10/26/81-CCAP)		

cont'd

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 80-1121-CIV-JW
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
<u>1981</u>			
OCT 27	56	MOTION to shorten time, by pltf.	sj
27	57	NOTICE of taking dep of Willis A. Castro, Treasurer Of Liberty Lobby, Inc. on 11/5/81 at 1:00.	sj
27	58	NOTICE of taking dep of James Paul Tucker on 11/5/81 at 3:00.	sj
27	59	RE-NOTICE of taking dep of Barnard DeRemer, Sec of Liberty Lobby, Inc. on 11/6/81 at 9:00.	sj
27	60	RE-NOTICE of taking dep of Fleming Lee, Esq. Gen Counsel of Liberty Lobby, Inc. on 11/6/81 at 11:00.	sj
27	61	RE-NOTICE of taking dep of Eictor Marchetti on 11/5/81 at 10:00.	sj
30	62	OBJECTIONS to pltf's mot to shorten time, by deft.	sj
NOV 03	63	ANSWERS to interrogs propounded by deft, by E. Howard Hunt Jr.	sj
03	64	CERIFICATE of compliance, by pltf.	sj
05	65	OBJECTION to pltf's request for production, by deft Liberty Lobby, Inc.	sj
09	66	EMERGENCY verified motion for protective order, by deft Liberty Lobby.	fw
09	67	RENOTICE of tkg depo of E. Howard Hunt 11/4/81 @ 1:00 PM, by deft.	fw
09	68	ORDER (JWK) both pty's mot to shorten time Denied. Discovery may continue until day of trial. (EOD 11/12/81-CCAP)	fw
13	69	DEPOSITION of E. Howard Hunt, Jr.	sj
16	70	RESPONSE to pltf's request for production, by deft.	sj
30	71	MOTION to compel def to respond to interrogs, by pltf.	pk
DEC 04	72	AFFIDAVIT of Willis A. Carto.	sj
04	73	AFFIDAVIT of James P. Tucker.	sj
04	74	AFFIDAVIT of Victor L. Marchetti.	sj
04	75	AFFIDAVIT of Bernard R. DeRemer.	sj
04	76	Mot for S/J and mot to declare E. Howard Hunt a public official or a public figure, by deft Liberty Lobby Inc.	sj
04	77	MEMO in supp of above mot, by E. Howard Hunt, Jr.	sj
04	78	OBJECTION to pltf's mot to compel, by deft Liberty Lobby, Inc.	sj
04	79	MEMO in opp to pltf's mot to compel, by deft.	sj
02	80	MOTION to withdraw as counsel is deneid. (EOD-12/7/81-CCAP)	sj
07	81	SUPPLEMENTAL answers to interrogs, by pltf.	s
8	82	LETTER from Ellis Rubin to Fleming Lee re: agreement between parties to take depos of Willis A. Carto, Bernard DeRemer, & James Paul Tucker on 12/7/81 at 12:00 noon, by pltf.	pk
10	83	OBJECTION to notice of taking dep and memo, by deft Liberty Lobby.	sj
11	84	LETTER from Ellis S. Rubin to Fleming Lee, Esq re; confirm agreemnet made to depose w/o necessity of a re-notice of taking dep.	sj
14	85	DEPOSITION of Willis A. Carto on 12/7/81.	sj
14	86	DEPOSITION of James P. Turner, Jr. on 12/7/81.	sj
14	87	EXPERTS from deposition of Willis A. Carto on 12/7/81.	sj
14	88	DEPOSITION of Bernard R. DeRemer on 12/7/81.	sj
14	89	DEPOSITION of Walter P. Kuzmuk on 12/7/81.	sj
14	90	NOTICE of taking dep of Edward Dunn on 12/11/81 at 10:00.	sj
15	--	Jury Trial commenced and continued.	gf
16	--	Jury Trial resumed.	gf
17	--	Jury Trial resuemd and concluded, Verdict reached, Frank Legow Foreperson.	gf
----- (Continued) -----			

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT		DOCKET NO. <u>80-1121</u>
E. HOWARD HUNT		LIBERTY LOBBY		PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS		
1981				
Dec. 17	91	JURY VERDICT: For the Plaintiff, and assess damages in the amt. of \$100,000 Compensatory, and \$550,000 Punitive.		
15	92	MOTION to compel and memo in supp, by pltf.		
22	93	RESPONSE to def't's objection to notice of taking dep and memo in supp, by pltf.		
22	94	MOTION for S/J, by pltf.		
22	95	NOTICE to produce, by pltf.		
17	96	COURTS instructions to jury. (Pgs 1 to 8)		
17	97	REQUESTED jury instruction, by def't Liberty Lobby, Inc.		
24	98	FINAL JUDGMENT (JWK): Pltf E. Howard Hunt, Jr. recover of def't Liberty Lobby, Inc. sum of \$650,000.00 with int at rate provided by law and costs of action. (EOD-12/28/81-CCAP-M)		
29	99	RENWEAL of def't's M/TD for lack of jurisdiction, by def't Liberty, Inc.		
29	100	MOTION for judgment notwithstanding verdict, mot for new trial and mot to amend.		
29	101	MOTION to amend judgment, by def't Liberty Lobby Inc.		
20	102	MEMO in supp of post trial mots, by def't.		
1982				
JAN 07	103	SUPPLEMENT to memo in supp of def't's post trial mots, by def't.		
Jan 11	104	COPY of letter by Dennis I. Holober to Miles A. McGrane re confirmation of agreement to allow 20 day extension to respond to post-trial motion.		
Jan 11	105	STIPULATION and motion to extend time by pltf to respon to the following motion.		
15	106	ORDER (JWK): Pltf shall have an additional period not exceeding 20 days from date of this order to respond to def't's post-trial mots. (EOD-1/18/82-CCAP)		
Feb 02	107	MEMO in opp to def't's Post trial mots, by def't.		
18	108	MEMO in response to pltf's memo in opp to def't's post-trial mots, by def't.		
18	109	ORDER (JWK) denying def't's post trial mots. (EOD-2/22/82-CCAP)		
MAR 8	110	NOTICE of Appeal by Liberty Lobby, Inc., def't., from final judgment entered 12/24/81, order entered in open court denying def'ts. mot. for summary judgment & oral renewal of mot. for summary judgment on 12/16/81, order entered in open court on 12/17/81 deny def'ts. mot. for directed verdict and order entered 2/18/82 denying def'ts. post-trial motions for judgment NOV, for a new trial, to amend judgment and dismiss for lack of jurisdiction. (cc: USCA, ct. rep., Miles A. McGrane, Ellis Rubin & Fleming Lee)		
23	111	MOTION to stay proceedings pending appeal. (Deft)		
23	112	MEMO of law in support of above motion. (Deft)		
30	113	ORDER (JWK)-Denying w/o Prejudice to reapply by giving a supersedeas bond purs. to FRCP 62(d), def't's Motion to stay proceedings pending appeal, or in alternative, to cond. stay of judgment on an arrangement for substitute security. (EOD-4/5/82)		

CONTINUED

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT		DOCKET NO. 80-1121-CIV
E. HOWARD HUNT		LIBERTY LOBBY		PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS		
1982				
May 20	114	TRANSC. of trial before Judge Kehoe on 12/15/81, pgs 2-176.		
20	115	TRANSC. of trial before Judge Kehoe on 12/16/81, pgs 177-441.		
1981	116	TRANSC. of trial before Judge Kehoe on 12/17/81, pgs 442-527.		
Sept 15	117	INTERROGATORIES propounded to defts. by pltf.		
15	118	MOT. to shorten the time to answer interrogatories directed to the deft. by the pltf.		
Dec 2	119	MOT. to withdraw as counsel for deft.		
1982				
June 22	---	RECORD on appeal transmitted to USCA consisting of 2-vols plead., 3-vols trans., 1 folder dep. & 1 folder exh.		
28	120	STIPULATION & ORDER(JWK) for substitution of counsel. FLEMING LEE, ESQ. 300 Independence Avenue, SE Washington, DC 20003, to be substituted for counsel. EOD 6/29/82 6/28/82-JWK.		
Oct. 6	121	NOTICE of Document retd - Motion to Tax Costs. (Pltf)		
8	122	MOTION to Tax Costs. (Pltf)		
15	123	OPPOSITION to m/to tax costs & Memo by deft.		
1984				
Jan. 11	124	APPLICATION for limited appearance of William A. Snyder, JR., and Kevin A. Dunne on behalf of Pltf. E. Howard Hunt, Jr.		
FEB. 8	125	ORDER (JWK 2-8-84): GRANTING application for limited appearance of William A. Snyder, Jr. and Kevin A. Dunne GRANTED. (EOD 2-8-84-CCAP)		
16	126	MANDATE OF USCA: 2-13-84: Judgment of District Court AFFIRMED in part and REVERSED in part; and cause hereby REMANDED to District Court in accordance w/opinion of this court. Each party bear own costs on appeal to be taxed by clk of this court.(EOD 2-17-84-CCAP)		
24	127	NOTICE that cause is set for trial wk of 4/16/84.		
Mar 22	128	NOTICE of tkg dep of Director, American Program Bureau, by deft.		
22	129	NOTICE of tkg dep of Scott Meredith, by deft.		
22	130	NOTICE of tkg dep of Walter P. Kuzmuk, by deft.		
22	131	NOTICE of tkg dep of David Phillips, by deft.		
22	132	NOTICE of tkg dep of E. Howard Hunt, by deft.		
28	133	LETTER to JWK from pltf's counsel, re: suggesting status conf to resolve some problem issues.		
30	134	MOTION for ext of time to conduct disc & for cont of trial date, by deft.		
30	135	MEMO in supp of mot for ext of time, etc., by deft.		
Apr 3	136	ANSWER to deft's mot for a cont, by pltf.		
5	137	MOTION to w/draw original court document for use in retrial of this case, by pltf.		
5	138	MOTION for a prot order, by pltf.		
5	139	MEMO In supp of mot, by pltf.		
5	140	MOTION to req deft to divulge info re: its corp entity & memo, by pltf.		
6	141	MOTION to compel disclosure of info as to Victor L. Marchetti, by pltf.		
6	142	MEMO in supp of above mot, by pltf.		
6	143	MOTION for TRO & prel inj, by pltf.		
6	144	MEMO in supp of above mot, by pltf.		

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 80-1121
E. HOWARD HUNT, JR.		LIBERTY LOBBY, INC.	PAGE ____ OF ____ PAGE
DATE	NR.	PROCEEDINGS	
1984			
APRIL 10	145	MEMORANDUM in oppo to mot of Mark Lane for admission to the bar of this court pro hac vice, by pltf.	
10	146	PETITION for limited appearance, by Mark Lane for deft.	
10	147	NOTICE resetting cause for trial for 6/16/84.	
10	148	ORDER (JWK 4/10/84) granting ext of time to conduct discovery & continuance of trial date to further notice. (EOD 4/16/84 CCAP).	
19	119	OPPOSITION to Motion for TRO & Prel/Injunction, by deft.	
19	120	OPPOSITION to Motion to compel disclosure of info as to Victor L. Marchetti claims a Journalistic Privilege, by deft.	
19	121	OPPOSITION to Motion for Protective Order, by deft.	
19	122	OPPOSITION to Motion requesting Ct to bar Mark Lane, Esq from rep deft in this cause, by deft.	
19	123	OPPOSITION to Motion to require deft to divulge info regarding its corporate entity, by deft.	
20	124	ORDER (JWK 4/20/84) Petition for limited appearance is GRANTED & Mark Lane, Esq. is approved as co-counsel rep Liberty Lobby, Inc for purposes of this action only. (EOD 4/24/84-CCAP).	
May 22	125	NOTICE of oral dep of Richard M. Helms at Ring Building in Washington, DC on 5/31/84, by pltf.	
23	126	NOTICE of oral depo of James McMann in Washington, DC on 5/31/84, by pltf.	
23	127	NOTICE of tkg oral depo of Stansfield Turner in Washington, DC on 5/30/84, by pltf.	
23	128	NOTICE of tkg oral depo of Victor L. Marchetti in Washington, DC on 5/30/84, by pltf.	
29	129	RENOTICE of tkg oral depo of Richard Helms in Washington DC on 6/1/84, by pltf.	
29	130	REVISED notice of tkg oral depo of John McMahan in Washington DC on 6/1/84, by pltf.	
29	131	MOTION to ext time for completion of disc, by deft Liberty Lobby.	
31	132	MOTION to tax reasonable atty's fees + expenses on deft + memo, by pltf.	
31	133	AFFIDAVIT of Kevin A. Dunne, by pltf.	
31	134	OPPOSITION to deft's 2nd m/ext time for completion of disc, by pltf.	
Jun 4	135	ORDER: (JWK-6/4/84) granting deft's m/ext of time for completion of disc until + incl 7/9/84. (EOD-6/6/84-CCAP).	
13	136	ORDER (JWK-6/13/84) denying pltf's m/protective order but ordering that depositions of Hunt + Kuzmuk not be conducted for purposes of harassment or repetition. (EOD-6/15/84-CCAP).	
13	137	ORDER (JWK-6/13/84) granting pltf's m/order to compel disc re corporate identity of Liberty Lobby. (EOD-6/15/84-CCAP).	
18	138	CERTIFICATE of Mark Lane, atty for Liberty Lobby.	
18	139	OPPOSITION to m/tax reasonable atty's fees + expenses on deft #2 for its failure to attend and/or to serve subpoena in depo of Scott Meredith, by deft #2.	
20	140	ORDER (JWK-6/20/84) denying pltf's m/compel disclosure of info of Victor Marchetti, a witness. (EOD-6/25/84-CCAP).	

continued

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	80-1121-Civ-JWK DOCKET NO.
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1984			
June 27	141	EMERGENCY MOTION in limine to preclude deft from withdrawing to stip, by pltf	
Jul 2	142	NOTICE of oral depo of corporate designee of Liberty Lobby in Washington DC on 7/9/84.	
9	143	OPPOSITION to pltf's emergency m/in limine to preclude deft from w/drawing stip, by deft.	
9	144	CERTIFICATE of Fleming Lee.	
9	145	JOINT m/ext of time to conduct disc + for advance notice of trial date, by parties.	
17	146	ORDER (JWK-7/17/84) that Clerk w/draw Document No. 46(b)--FBI affidavits-- + retain possession until further notice of ct. Documents shall not be released directly to the pltf. (EOD-7/18/84-CCAP).	
Aug 1	147	EMERGENCY MOTION to hold the deft, its counsel + Willis A. Carto in contempt of ct, by pltf.	
7	148	OPPOSITION to pltf's emergency m/hold deft. + counsel + Carto in contempt of ct + m/temporarily suspend proceedings, by deft.	
10	149	ORDER (JWK-8/10/84) that deft immediately arrange for cont of disc in compliance w/Ct order of 6/13/84. Ct will reserve ruling on sanctions agst deft, counsel + Carto at conclusion of litigation. (EOD-8/15/84-CCAP).	
14	150	ORDER (JWK-8/14/84) removing cause from trial calendar until deft's co-counsel is sufficiently recovered frm surgery. (EOD-8/16/84-CCAP).	
Sep 20	151	MOTION to set trial date, by parties.	
25	152	RESPONSE to deft's motion to set trial date, by pltf.	
28	153	ORDER: (JWK/9/28/84) denying mot. of deft. Liberty Lobby & pltf. to set a trial date certain. (EOD/10/4/84/CCAP)	
DEC 3	154	EMERGENCY MOTION to compel production of documents by deft Liberty.	
14	155	MOTION for protective order by James P. Tucker, Jr.	
1985			
JAN 23	156	EMERGENCY mot in limine to excl certain material fr trial by deft.	
28	157	MOTION to compel deponent Marita Lorenz to answer certain questions propounded at her deposition on 1/11/85 & memo in support thereof, by pltf.	
28	158	MINUTES of jury trial commenced 1/28/85, jury impaneled & sworn trial continued to 1/29/85 @ 9:30AM.	
29	159	MINUTES jury trial dated 1/29/85; cont'd.	
30	160	MINUTES jury trial dated 1/30/85; cont'd.	
31	161	MINUTES jury trial dated 1/31/85; cont'd.	
FEB 1	162	REQUESTED jury instructions by pltf.	
1	163	MINUTES jury trial dated 2/1/85; day #5; cont'd.	
4	164	MINUTES jury trial dated 2/4/85; day #6; cont'd.	
4	165	REQUESTED jury instructions re punitive damages by pltf.	
4	166	REQUESTED jury instructions by deft.	
5	167	STIPULATION re extension of time to reply to pltf's mot to enforce a final judgment by ptys.	

cont'd.

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT		DOCKET NO. 80-111
E. HOWARD HUNT, JR.		LIBERTY LOBBY, INC		PAGE JWK OF PA
DATE	NR.	PROCEEDINGS		
1985				
FEB 5	198	MINUTES civil jury trial dated 2/5/85; day #7; closing arguments; cont'd.		
6	199	MINUTES civil jury trial dated 2/6/85; day #8; verdict favor deft.		
6	200	COURT'S instruction to the jury.		
6	201	NOTICE of exhibit location.		
6	202	VERDICT ; jury finds for deft Liberty Lobby.		
12	203	JUDGMENT on jury verdict that the pltf take nothing, that the action be dis & that the deft Liberty Lobby recover of pltf their costs of action		
19	204	MOTION for new trial by pltf.		
19	205	MEMORANDUM in supp of mot for new trial.		
22	206	APPLICATION under rule 16G by Mark Lane to interview jurors.		
25	207	MEMORANDUM in opp to pltf's mot for a new trial by deft.		
Apr 1	208	MOTION to tax costs w/copies of pldgs by deft.		
5	209	REPLY to deft's m/to tax costs by pltf.		
11	210	ORDER(JWK 4/11/85) that the court's ruling on the deft's mot shall be reser pending the submission of an addendum which contains a breakdown of cos incurred. (EOD 4/12/85 CCAP).		
11	211	ORDER(JEK 4/11/85) denying pltf's m./for a new trial. (EOD 4/12/85 CCAP).		
11	212	RESPONSE to pltf's reply to deft's m/to tax costs by deft.		
May 2	213	NOTICE of filing its exhs to deft's addendum to m/to tax costs by deft.		
2	214	ADDENDUM To m/to tax costs by deft		
10	215	<u>NOTICE OF APPEAL</u> by pltf from judgment entered on 2-12-85, & order denying m/for new trial, entered on 4-11-85.(copies to all atty's record, USCA)		
16	216	CLERK'S Reciept # 17864 in the sum of \$70.00 rec'd from Ober, Kaler, Grimes & Shriver.		
21	217	SECOND reply of pltf to deft mot to tax costs.		
23	--	LETTER from USCA ask. receipt of NOA (USCA #5400)		
Nov 8	218	TRANSCRIPT of trial before Judge Kehoe & jury on 1/28/85. (Vol. 1)		
8	219	TRANSCRIPT of trial before Judge Kehoe & jury on 1/29/85. (Vol. 2)		
8	220	TRANSCRIPT of trial before Judge Kehoe & jury on 1/30/85. (Vol 3)		
8	221	TRANSCRIPT of trial before Judge Kerhoe on 1/30/85. (Vol III)		
8	222	TRANSCRIPT of proceedings before Judge Kehoe & jury on 2/1/85.		
8	223	TRANSCRIPT of proceedings before Judge Kehoe on 2/4/85.		
8	224	TRANSCRIPT of proceedings before Judge Kehoe & jury on 2/5/85.		
21	225	ORDER (JWK-11/21/85) awarding deft's. \$6,846.88 as costs. (EOD-11/25/85- CCAP-M).		
Dec 19	---	RECORD on appeal transm to USCA. 12 Vols.,(5 plds & 7 transc.) USCA #85-54		
Dec 19	226	<u>NOTICE OF APPEAL</u> , by Pltf from the Order awarding costs in the amt of \$6,84 on 11/21/85 to Deft. (Copies to USCA and Atty's of Rec.).		
1986				
Jan 7	227	RECEIPT from USCA for cc of 1st NOA & other notices of 8/7/81, 3/8/81 & 5/10/85. (USCA case no. '85-6078).		
Jan. 30	---	1st SUPPLEMENTAL RECORD sent to USCA. USCA # 85-6078. 1 Vol. Only consisti of Doc. Entry # 226.		

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
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DATE	NR.	PROCEEDINGS
1986 Jan 24	228	MOTION for correction or modification of the record & memo i/supp thereof, by pltf.
Feb 7	---	RECEIPT of USCA for cert 1st Supplm ROA consisting of 1 doc entry (#226) only. (85-6078).
May 13 13 20	229 --- ---	ERRATA Sheet for procs befor JWK by Paul Haferling. SECOND SUPP ROA transm to USCA. (1 Vol. Docket # 229) RECEIPT of cert ROA consisiting of 1 vol pldgs & SR #2, vol I dkt #229. (85-5400). jd
987 EPT. 15	230	MANDATE-USCA AFFRIMED judgm't of USDC . Pltf-appellant pay deft-appellee, cost on appeal to be taxed by Clk of Court. (issd. 9/11/87) Case #85-5400 & 6078. Copy of Opinion w/ROA returned at later date. (EOD 10/13/87 CCAPM) copy to judge.
29	231	MANDATE-USCA Previously issd 9/11/87, BILL of COST issd in amt requested \$850.66 Court allow's \$90.34. AFFIRMED costs claimed incurred in appeals. Issd 9/10/87) Case # 85- 5400 & 6078. (EOD 10/13/87CCAP-M) copy to judge.
OCT 23	---	RETURNED ROA from USCA 14 vols of materials, Case #85-5400, #85-6078.
NOV 4	232	MOTION to tax costs of report's Transcript as costs on Appeal taxable purs to F.R.A.P. Rule 39(e) & Title 28 1920 USC, by Deft/Appellee.
4	233	MEMO in supp iof M/tax costs of report's transcript as costs on Appeal, by Deft/appellee.
18	---	LEETER to Clk; re; self-explanatory corresp to csl for Pltf, by Mark Lane.
20	234	RESPONSE to appelle's M/tax costs of reporter's transcript as costs/Appeal by Appellant.
25	235	REPLY to resp to M/tax costs of reporter's transcript as costs on Appeal, by pltf/appellant.
1988 Feb 29	236	STATEMENT of points & authorities in supp of motn for entry of judgment. in accordance w/order awarding costs, by deft.
29	237	MOTION for entry of judgment, by deft.
29	238	NOTICE of taking dep duces tecum in aid of exec of E. Howard Hunt on 3/17/88
Mar 17	239	AFFIDAVIT of Mark LANE for order holding pltf in contempt.
25	240	MEMO in opp to Affidavit for order of contempt by E. Howard Hur
30	241	MOTION for sanctions agst pltf, his csl & law firm of Ober, Kaler, ect., for refusal to attend dep, by deft.
30	242	REPLY to pltf's memo in opp to aff for an order of contempt, by deft.
Apr 22	243	RESPONSE to deft's reply to pltf's memo in opp to aff for an order of contempt, by pltf.
22	244	OPPOSITION to motn for sanctions agst pltf for refusal to attend a depo, by pltf.

(CONT'D:....)

PLAINTIFF

DEFENDANT

HUNT, HOWARD E., JR.

MARCHETTI, VICTOR L., et al

DOCKET NO. _____

PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
1988		
May 02	245	MOTION to strike pltf's opp to defts motn for sanctions agst pltf & his csl, by deft Liberty Lobby.
-02	246	MOTION to strike pltf's resp & for sanctions agst pltf, by deft Liberty Lobby.
12	247	RESPONSE to deft's motn to strike pltf's resp & for sanctions, by pltf.
12	248	OPPOSITION to deft's motn to strike pltf's opp to motn for sanctions agst pltf & his attys for refusual to attend dep, by pltf.
16	249	MOTION to strike deft's mot's for sanctions agst pltf & his attys, by pltf.
23	250	REPLY to pltf's resp to deft's motn to strike, by deft.
23	251	REPLY to pltf's opp to deft's motn to strike, by deft.
24	252	OPPOSITION to pltf's motn to strike deft's motn for sanctions agst pltf & his attys', by deft.
JUN 01	253	REPLY to Opp to M/Strike, by Pltf.
JUL 27	254	ORDER(JWK-7/27/88) granting deft's mot to enter judgment. Judgment is entered for deft against pltf in amount of \$6,846.88 + interes at rate of 12% from 11/21/85 until time of payment of that sum by pltf to deft. (EOD-8/10/88-CCAP).
JG 3	255	NOTICE of filing aff of csl, by deft.
3	256	AFFIDAVIT of Mark Lane.
8	257	RESPONSE to aff of Mark Lane, by pltf.
10	258	REPLY to pltf's resp. to affid. of Mark Lane, by deft.
pt. 26	259	ORDER(JWK-9/26/88) GRANTING m/sanctions agst. Hunt & Liberty Lobby is AWARDED costs & attys. fees in the amt. of \$3,890.98. Liberty Lobbys req. for recovery of paralegal fees is DENIED. L. Lobbys m/santions agst. cns'l. for Hunt is DENIED. (EOD-10/3/88- CCAP)
29	260	ORDER(JWK-9/29/88)DENYING m/hold pltf. in contempt of ct. DENYING Hunts m/tax attys. fees & costs for L. Lobbys failure to attend the depo. of S. Meredith or serve subpoena. DENYING hunts m/sanctions agst. L. Lobby its cns'l. & Cheif Exec. Officer for failing to comply w/Ct's. order of June 13, 1984. GRANTING L. Lobbys m/tax costs of the Ct. rep. trans. as costs on appeal, L. Lobby SHALL SUBMIT an aff. of costs w/i 10 days of the date of this order. (EOD-10/4/88-CCAP)
CT 7	261	AFFIDAVIT of costs, by Mark Lane
1989		
EB 2	262	MOTION for hrg/applic of csl for pltf/withdraw, by deft.
2	263	STATEMENT of points and auths in supp of M/hrq on applic of csl for pltf/withdraw, by deft.
13	264	MOTION to withdraw/csl, by csl/pltf.
15	265	OPPOSITION to mot to withdraw csl, by deft.
IAR 2	266	MOTION for leave to file suppl memo in opp to pltf's mot to w/draw as csl, by Pltf.
May 25	267	ORDER (JWK 5/25/89) AWARDING Liberty Lobby costs in sum of \$698.01. (EOD 5/30/89-CCAP).
31	268	ORDER (JWK 5/31/89) DENYING Pltf's csl's mot to withdraw. (EOD 6/2/89-CCAP).
Aug 14	269	ORDER (JWK 8/14/89) DENYING Pty's stip & proposed order of confidentiality. (EOD 8/15/89-CCAP).

OVER

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAG
DATE	NR.	PROCEEDINGS	
<u>1989</u>			
OCT 12	270	MOTION for Sanctions agst Pltf & Csl & M/Compel Pltf to Resp to resp to Disc Requests, by Deft.	
12	271	MEMO of law in Supp of M/Sanctions & M/Compel, by Deft.	
25	272	RESPONSE to Deft's m/sancts against E. Howard Hunt, Jr. and His Csl & m/compel Pltf to resp to dsic req, by Pltf..	
31	273	REPLY to Pltf's resp to Deft's m/sancts against E. Howard Hunt his csl & m/comple Hunt to resp to disc req, by Defts.	
Nov 8	274	MOTION to strike Pltf's Sur reply to Deft's reply & for sancts against Pltf, William Snyder, Jr., Kevin Dunne & Law Firm of Ober, Kaler, Grimes & Shricer, by Deft.	
* 7	275	SUR REPLY to Deft's reply, by Pltf.	
14	276	RESPONSE to Deft's m/strike & req for leave of Court to dille memo, by Pltf.	
21	277	REPLY to Pltf's resp to deft's m/strike & req for leave of cour to file memo, by Deft.	
<u>1990</u>			
JUN 14	278	STIPULATION of dism, by Ptys.	
21	279	ORDER (JWK 6/21/90) DISMISSING action w/prej according to terms & conditior set in agreement to satisfy jdmt for costs dated 3/22/90 & exec by ptys & csl. (EOD 6/25/90-CCAP-M).	

JUDGE James W Kehoe
DATE OF TRIAL 12/15, 12/16, 12/17
VERDICT RENDERED _____
JUDGMENT RENDERED _____
LOCATION OF EXHIBITS _____

82-5321

EXHIBITS

DATE

Identification

- 1A ✓ Copy from Herald
- 2A ✓ Civil action permanent injunction
- 3A ✓ Book - Final Ass
- 4A ✓ Letter
- 5A ✓ Book
- 6A ✓ put up paper (that was given to jury)
- 7A ✓ FBI Report

23
23
1
CJR

DIVISION: Miami

SOUTHERN DISTRICT OF FLORIDA

82-5321

DEF	CT	DESCRIPTION OF EXHIBIT	IDENT. (Date)	IN EVID. (Date)	W. (Date)	(Name)
✓	✓	NEWSPAPER: "The Spotlight" August 14, 1978	10/15	12/15/81		Hunt
✓	(Hd)	Copy of art. Miami News 2/6/75				Hunt
✓	(Hd)	Copy of "The Nation" Article (Time 6/23/75)				Hunt
✓	(Hd)	Copy of Herald Article 2/6/75				Hunt
✓		Letter from Ellis Rubin to				Hunt
✓		Letter 8/25/78 to Ellis Rubin from Fleming Lee				Hunt
✓		Letter of 9/13/78 re E. Howard Hunt				Hunt
✓		Response to E. Rubin of 9/20/81 from Liberty Lobby	12/15	12/15		Hunt
✓	(Hd)	Copy of newspaper article 11/19/78	12/15	12/15		"
✓		Tippie + written pages on JFK Assassination	12/16	12/16		"
✓		Cancelled check 8/15/78 \$500.00 for V. Marchette	12/16	12/16		Physician
✓		Invoice Nat'l Spotlight 6/23/77	12/16	12/16		"
✓		Statement of Ownership + Circulation	12/16	12/16		"
✓		memo from Spotlight 12/14/81	12/16	12/16		"
✓		Liberty Lobby financial Statements 12/31/80 + 1976	12/16	12/16		"
✓		Composite Exhibit (Certificate)	12/16	12/16		"

NOTE: 1. Place original in court file.
 2. Copy with exhibits, if stored in Exhibit Room.
 3. If not stored, note on docket "EXHIBITS WITH COURT FILE"

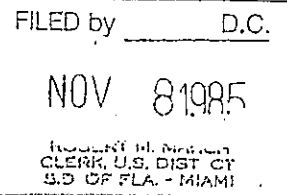
JOSEPH I. DOGART, CLERK

By Gloria Figueroa

Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

1
2
3 E. HOWARD HUNT, JR.,) NO. 80-1121-CIV-JWK
4 Plaintiff,)
5 vs.) Miami, Florida
6 LIBERTY LOBBY, INC.) February 1, 1985
7 Defendant.)
8)
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TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JAMES W. KEHOE
AND A JURY

APPEARANCES:

WILLIAM A. SNYDER, JR, ESQUIRE, and
KEVIN A. DUNNE, ESQUIRE,
on behalf of the Plaintiff

MARK LANE, ESQUIRE, and
FLEMING LEE, ESQUIRE
on behalf of the Defendant

REPORTED BY:

Paul Haferling,
Court Reporter

222
JD

1 THE COURT: The Court in reflecting upon the problem
2 before us, I am not satisfied that I have perfected the record
3 in the fashion it should be and I think we -- If it is this
4 important to you we will have to take a day or two, whatever it
5 takes to do it, and allow you to present testimony with
6 reference to establishing this net worth theory. I just don't
7 know any other way to do it. If somebody has some suggestions
8 how it could be done more expeditiously, I would entertain it.

9 I think all I have is lawyer talk, and that does not
10 make a great record frankly. And I don't mean that as a
11 detriment to either side. I think you will have to for your
12 protection, for one thing I thought about plain old expertise.
13 I am not an accountant; I am not an economist; I am not sure I
14 can say the matter of law this is or not a net worth, under
15 some economic theory so I guess we will have to give you the
16 opportunity to start proving your case. And at this point, I
17 would presume initially, out of the presence of the jury.

18 MR. LEE: You asked about a net worth figure and I was
19 able to obtain from the treasury last night, based on documents
20 in his possession, a figure of a net worth as of January 25,
21 1985.

22 THE COURT: Have you transmitted that to opposing
23 counsel?

24 MR. LEE: No.

25 THE COURT: If you will transmit it --

1 MR. DONNELL: The figure is \$188,937.14. I thought
2 perhaps that if that were satisfactory we can --

3 THE COURT: Let me have a sidebar conference.

4 (Jury entered.)

5 THE COURT: Ladies and Gentlemen, we have got into
6 another point. It will take us some time to work out our
7 problems if you would like to go downstairs to the sixth floor
8 and have some breakfast, I will let you be in recess until a
9 quarter of eleven.

10 (Recess taken.)

11 THE COURT: How is it recommended that we --

12 MR. DONNELL: Your Honor, we would like to proceed
13 this way. We do not have an agreement between counsel.

14 We would like to offer Liberty Lobby's two most recent
15 financial statements that they have provided to us and have
16 been -- they have been examined about -- in deposition on the
17 question. We will not ask the Court for bifurcation. We want
18 all issues to go in at once and that would be our resolution of
19 the problem.

20 THE COURT: You are not seeking to offer any testimony
21 about any contributions --

22 MR. DONNELL: I understand that Mr. Lane will object
23 to our offering Liberty Lobby's net worth statement that they
24 have previously provided to us. I don't understand the basis
25 for it, but we may have to offer testimony as a result of that.

4
1 THE COURT: Then you want me to make the offer of
2 those at this time?

3 MR. DUNNELL: Yes.

4 THE COURT: What exhibit, for identification?

5 MR. DUNNELL: 27-A and B.

6 THE COURT: Do you have an objection?

7 MR. LANE: Yes, Your Honor. In reference to both of
8 them. One goes back to what the statement, assets were in
9 1983, and one deals with March of last year. These were
10 provided by the Defendant to assist the Plaintiff in being able
11 to examine all the books and records.

12 But it seems to me there is no foundation laid for
13 them as evidence in the case, and besides they are irrelevant
14 because of the date we have given to the Plaintiff. The exact
15 statement is to assets of Liberty Lobby as of January 25th of
16 this year.

17 Everything else seems to me to be irrelevant -- to
18 give it to them so they can test our figure and we have done
19 that, but it is not relevant as evidence in the case.

20 THE COURT: Anything else?

21 MR. LANE: No, Your Honor.

22 THE COURT: Your objection noted. Overruled. Receive
23 them as numbers 27 --

24 MR. LANE: 27-A and B.

25 THE COURT: 27-A and B in evidence.

1 MR. DONNELL: We would like, for purposes of showing
2 how many copies of the spotlight were circulated of this
3 addition, in other words the paid circulation, we offered into
4 evidence yesterday, and Your Honor we marked for identification
5 is an Exhibit 13, a statement by Liberty Lobby to the United
6 States Postal Service pursuant to a United States Code, what
7 their circulation was, and this appears to be their circulation
8 in 1980.

9 I have deposition testimony of Bernard Derener an
10 employee of Liberty Lobby and an affidavit statement by James
11 Tucker, who previously testified in this case by deposition.
12 All those statements concerned what it was in '80 and '81. We
13 are not offering that to show what their circulation time
14 dollars equals what they bring in. That is not what we are
15 seeking to do. We are only seeking to show how many copies in
16 '78 they have never provided, that had information, to us and
17 they have been asked.

18 They have been asked prior to the first trial in this
19 case repeatedly, and their response and agreement was they
20 stipulated to this exhibit that I have identified as
21 Plaintiff's Exhibit 13 that was stipulated into evidence at the
22 first trial.

23 I would like to offer evidence what the circulation
24 was. We would be willing to accept the stipulation, but they
25 won't stipulate to anything.

1 MR. LANE: May I see the three documents you are
2 offering. Plaintiff's Exhibit 13 for identification is the one
3 that was offered yesterday. It is a piece of paper --
4 foundation has been laid for it at all.

5 It is not true. I am sorry to say they have
6 repeatedly asked this question, and we have not given them the
7 information, or I would like them to point to one place in a
8 single deposition on anyone. When anybody at Liberty Lobby was
9 asked that question and didn't answer the question, we made it
10 quite plain Mr. Carto, the treasurer, was here available to be
11 called -- be asked any question -- we have never been asked to
12 state what the circulation of Liberty lobby was in 1978. If we
13 were asked, we would be absolutely obliged to answer the
14 question.

15 And instead of saying we have been asked and refused,
16 we would like them to show us a place in the transcript. I
17 asked Mr. Dunnell before to show me. I said, if you ask us and
18 what he said we would do it and we have not done it we will do
19 it. We will meet our obligation, and he showed me where a
20 request was made for the income of Liberty Lobby in several
21 years and I said that is not circulation. We have never been
22 asked it. We have no obligation to stipulate to it and it is a
23 piece of paper of which no foundation has been laid number 1
24 and, secondly, it is irrelevant in terms of '78 because it is
25 dated 1981. That is one.

7
1 In reference to the deposition of Mr. Derener if this
2 is a deposition taken in this case they can read it to the jury
3 of course. There is no question about that and we would have
4 no objection, and in reference to an affidavit I don't know of
5 any basis for putting an affidavit in.

6 MR. LANE: We object to these two in terms. We object
7 to the Plaintiff's Exhibit 13 for identification.

8 THE COURT: It has not been authenticated.

9 MR. LANE: As far as the deposition, if we want to
10 read it no objection.

11 THE COURT: Counsel.

12 MR. DONNELL: We will read the deposition, that's fine
13 with us. Mr. Lane said he has no objection.

14 THE COURT: Marshal, bring the jury back.

15 MR. LEE: Could we learn what will be read so we can
16 find it.

17 THE COURT: I assume he will announce prior to the
18 commencement.

19 THE COURT: Counsel for the Plaintiff, do you wish to
20 publish the documents the Court has received.

21 (Jury returns.)

22 MR. DONNELL: Yes. With the permission of the Court,
23 we would like to publish Plaintiff's Exhibit 27-A and 27-B,
24 which have been admitted in evidence.

25 At this time, we would like to read very short

1 excerpts of the deposition of Bernard Derener. We would claim
2 our right under the rules to have the entire deposition read,
3 if any, part will be read.

4 THE COURT: It is only if it would cause an in justice
5 I will allow you to read any part omitted. One on six he --

6 MR. SNYDER: These are short excerpts from the Bernard
7 Derener deposition taken Monday, December 7, 1981. The
8 questioning is by Mr. Rubin then counsel for Mr. Hunt.

9 "QUESTION BY MR. RUBIN: Mr. Derener, are you the
10 secretary -- is it?

11 "ANSWER: Executive secretary of Liberty Lobby, yes.

12 "QUESTION: Now, you have filed another affidavit in
13 this case when the case was first filed giving some figures of
14 your subscription or circulation, I guess it is?

15 "ANSWER: Yes.

16 "QUESTION: Do you know what the present circulation
17 is?

18 "ANSWER: I am sorry. I don't have the most exact
19 figure. I know it is approximately 300,000, but I don't have
20 it exactly."

21 And the answer continues. "Well, the only think I
22 remember is that in our statement it is around 300,000. The
23 circulation figure including paid and unpaid. About as I said
24 it is -- I have not seen a report for a little while so I don't
25 know what the very latest figures, but just in the

1 neighborhood."

2 MR. SNYDER: That concludes it.

3 THE COURT: Any portion omitted that you care to read.

4 MR. LEE: No.

5 MR. DUNNELL: Two final housekeeping details. We have
6 offered into evidence the permanent injunction upon order
7 against Victor Marchetti, as Plaintiff's Exhibit 17, and Your
8 Honor reserved ruling on that. We renew our motion to enter
9 into evidence at this time.

10 MR. LANE: I object on two grounds. It is irrelevant.

11 THE COURT: I remember them the last time. Your
12 objection is sustained. Mark it for identification.

13 (At this time Plaintiff's Exhibit No. 17 was marked
14 for identification.)

15 MR. DUNNELL: Last thing we have secured the official
16 FBI affidavit and documents that were release pursuant to that
17 have been discussed in this trial. They have been shown to Mr.
18 Lane previously.

19 It is an official affidavit with documents signed by
20 the Records Service Section Chief for the Federal Bureau of
21 Investigation, and sworn and subscribed on the 20th day of
22 March, 1978. We move these FBI affidavits and exhibits into
23 evidence.

24 THE COURT: Any objection?

25 MR. LANE: Yes, I object.

1 THE COURT: Grounds.

2 MR. LANE: This is a very small portion of the
3 documents, which have been released. In the first place I know
4 because I made the application under the Freedom of Act of
5 Information Act in '77. There are literally tens of thousands
6 of pages. I don't know who selected this small group; it is a
7 very small portion of it. I think it is of no probative value
8 totally unrelated to any issues in this case as the Court could
9 see by Pennsylvania are you signing them.

10 THE COURT: What do you maintain the relevancy.

11 MR. DONNELL: Agent Shanefield's, reports.

12 MR. LANE: May we do this at the bench.

13 THE COURT: He can tell me.

14 MR. DONNELL: He examined photographs. The
15 photographs of the tramps in Dallas determined Mr. Hunt
16 couldn't have been one of the people there.

17 THE COURT: Any other objection?

18 MR. LANE: Just the ones I said.

19 THE COURT: Objection noted. Overruled. I will
20 receive as the composite exhibit Plaintiff's Exhibit No. --

21 MR. DONNELL: 22, Honor. The Plaintiff rests.

22 THE COURT: Ladies and Gentlemen, if you will please
23 leave your documents in the chair and we will take up some
24 matters of law. We will let you go back and --

25 (Jury leaves.)

1 THE COURT: Motions at the conclusion of the
2 plaintiff's case. Defendant.

3 MR. LEE: Your Honor, at this time, the Defendant will
4 move for directed verdict. If I may be heard on the grounds,
5 please.

6 THE COURT: Certainly.

7 MR. LEE: Two motions. In fact, the first regards the
8 legal sufficiency of the evidence presented by the Plaintiff as
9 to the issue of liability. I don't think, Your Honor, would
10 want me to go into standards of the directed verdict since you
11 are probably much more familiar with them than we are; however,
12 I will point out the grounds obviously.

13 That is in this particular case that the sole issue is
14 whether or not Liberty Lobby, Incorporated published material
15 about Mr. E. Howard Hunt, Jr. knowing it was false or strongly
16 suspecting it was false. That of course constitutes actual
17 malice and would entitle a person to a liable verdict;
18 everything else being in his favor.

19 In this case, I think we have been through -- having
20 been through the entire testimony of the Plaintiff's witnesses
21 and heard that there has been no proof of knowledge of falsity,
22 whatsoever. I cannot even see, Your Honor, if there is
23 anything that would imply knowledge of falsity.

24 There is uncontradicted testimony on the part of Mr.
25 Carto and Mr. Tucker, the two individuals for the Defendant who

1 actually worked on this particular article. There has been no
2 admission and no insinuation that they in the least bit
3 suspected they relied on Mr. Marchetti's testimony to the
4 effect that Mr. Marchetti was not reliable.

5 That there was not a sound reason to assume that since
6 they had published his articles previously, since they knew
7 him, since they never had complaints, since they believed he
8 was an expert in his field, he was a former member of the CIA,
9 he would therefore be somebody whose writing they could depend
10 on as long as it was in the general area they had learned to
11 trust him about.

12 Secondly, the question of suspicion of falsity, which
13 is the definition of reckless disregard for truth. It does not
14 involve mere negligence. It does not involve a failure to
15 investigation. All these items maybe summed up to enable the
16 jury to conclude there was a strong suspicion that the term was
17 false. But I think if Your Honor reviews the evidence in his
18 mind, the testimony of the people involved, while the plaintiff
19 has spent a great deal of time attempting to prove he was not
20 in Dallas that is not the issue. Even if he proved that he
21 would have to prove that Mr. Marchetti was unreliable company
22 and cannot be trusted, and that the people at Liberty Lobby
23 knew that and they knew that there was something definitely
24 suspicious about what he was publishing.

25 I think enough has been brought out to make it clear

1 there is nothing inherently impossible about this. It was
2 published by other people and much more widely than the Liberty
3 Lobby published it. Much less is there any evidence of the
4 sort of ill will, the sort of feelings written feelings towards
5 the Plaintiff on the part of the defendant, which would have to
6 be there in order to give punitive damages.

7 So I would make the motion in two parts. The first
8 place I would move for directed verdict on the grounds that
9 there is insufficient evidence for the jury to find that there
10 was actual malice on the part of Liberty Lobby when it
11 published this article.

12 And, secondly, I would move for summary judgment on
13 the issue of punitive damages in that there is total absence of
14 any evidence whatsoever of hostility, ill will, of intent to
15 injury and I can give citations, in fact, of given them in our
16 requested instructions on this matter.

17 I think it really is only correct to settle the issue
18 of punitive damages now in that there has to be some evidence
19 of it presented by the Plaintiff. I cannot see there is the
20 slightest bit of it, Mr. Carto said he was mortified by this.
21 He had no intention to hurt Mr. Hunt. Mr. Tucker said I still
22 continued to like Mr. Hunt that these general points were
23 brought out. They are totally uncontradicted. I think in
24 having listened carefully to this if the jury were to come in
25 now and give a verdict in favor of punitive damages, that Your

1 Honor would have to overrule them on the grounds there is no
2 evidence whatsoever of it.

3 So, I make these two motions respectfully, Your Honor,
4 one that you grant a directed verdict on the issue of
5 liability, and, secondly, that you grant either in the
6 alternative or directed verdict in the issue of punitive
7 damages and not submit that to the jury or that you grant
8 summary judgment on the issue of punitive damages.

9 THE COURT: Counsel, brief.

10 MR. DUNNELL: Would you like to hear from the
11 Plaintiff.

12 THE COURT: Yes.

13 MR. DUNNELL: Your Honor, we would rely on the
14 authority of the Eleventh Circuit Court opinion, very simply
15 Eleventh Circuit Court found that in the first trial the actual
16 malice or reckless disregard had been proven. They went
17 through all the evidence that was adduced at the first trial.
18 All the evidence adduced at the first trial has come into this
19 indication the testimony of Mr. Tucker, and of Mr. Carto is
20 specifically referred to by the Eleventh Circuit, as in any
21 inference drawn therefrom as meeting the constitutional
22 standards to take the case to the jury, under New York Times
23 versus Sullivan.

24 Turning to the second issue, the Eleventh Circuit
25 Court addresses itself towards the issue of punitive damages

1 and the necessary elements that have to be proven. It
2 differentiates punitive damages, the kind of malice necessary
3 therein, the New York Times malice standard in liable cases.

4 And to quote very briefly, that Court said a jury
5 instruction on the common law malice necessary to support
6 punitive damages should focus the juries attention on the
7 Defendant's feelings of ill will toward the plaintiff
8 considering the evidence produced at trial, and the character
9 of the publication itself.

10 It is our position that the evidence adduced at trial
11 and the character of the publication itself gives rise to this
12 feeling of common law malice, of ill will towards the Plaintiff
13 by what they published and said about him. Regardless of the
14 protesting by Mr. Carto that he didn't mean it. That is the
15 plaintiff's position regarding defendants motions for directed
16 verdict.

17 THE COURT: Motion for directed verdict at the
18 conclusion of the Plaintiff's case is denied.

19 Defendant ready to proceed?

20 MR. LANE: Yes, Your Honor.

21 THE COURT: Bring the jury in, please.

22 (Jury entered.)

23 THE COURT: Defendant call your first witness.

24 MR. LANE: Defendant calls Earl Golz.

25 EARL GOLZ, DEFENDANT'S WITNESS, SWORN.

1 THE COURT: Give us your full name address and spell
2 your last name.

3 THE WITNESS: Earl Golz, G-O-L-Z. I live in Dallas,
4 Texas, 7130 Gaston Avenue.

5 DIRECT EXAMINATION

6 BY MR. LANE:

7 Q During August of 1978, Mr. Golz, where were you employed?

8 A At the Dallas Morning News.

9 Q What was the nature of your duties there?

10 A I was a reporter for the news.

11 Q How long altogether have you worked for the Dallas Morning
12 News as a reporter?

13 A I worked a total of thirteen years.

14 Q Do you undertake investigative research assignments as a
15 reporter for the Dallas Morning News?

16 A Yes.

17 Q Have you written a number of articles over the years
18 regarding the facts surrounding the assassination of John F.
19 Kennedy in Dallas?

20 A Yes, I have.

21 Q Is the Dallas Morning News the largest newspaper, daily
22 newspaper published in Dallas?

23 A Yes, it is.

24 Q Recently were you employed by another publication?

25 A Yes, I was.

1 Q What publication is that?

2 A Financial Trend.

3 Q What is Financial Trend?

4 A A weekly newspaper directed primarily to corporate
5 investors in the southwest.

6 Q Are you now involved in securing a job with the National
7 News Magazine?

8 A Yes, I am in the process now of negotiating that particular
9 position.

10 Q Would that job be as an investigative journalist?

11 A Yes.

12 Q How many stories have you written over the years about
13 facts relating to the assassination of John F. Kennedy?

14 A I would say several dozen.

15 Q Have you written any of those stories or articles for any
16 publication other than the Dallas Morning News?

17 MR. SNYDER: Objection. Relevancy.

18 THE COURT: I will allow this to stand. Don't go into
19 it much further.

20 BY MR. LANE:

21 A Was the question how many?

22 Q Have you written articles about the Kennedy assassination
23 for any publication other than the Dallas Morning News?

24 A Yes, I have.

25 Q Have you been in contact with research and investigative

1 journalist around the country regarding research related to the
2 assassination of President Kennedy?

3 MR. SNYDER: Objection.

4 THE COURT: Overruled.

5 THE WITNESS: Yes, I have.

6 BY MR. LANE:

7 Q Have you or any publication for which you have been
8 employed and which you have written ever been sued by anyone
9 based on any article which you have written regarding the
10 assassination of John Kennedy?

11 MR. SNYDER: Objection.

12 THE COURT: Sustained.

13 BY MR. LANE:

14 Q I am going to show you what has been marked in this case as
15 Defendant's Exhibit CC, and ask you if you can identify it.

16 A Yes, I can.

17 Q What is it?

18 A It is an article I wrote in 1978 for the Dallas Morning
19 News.

20 Q Was it published in the Dallas Morning News?

21 A Yes, it was.

22 Q On what date was it published?

23 A August 22nd, 1978.

24 MR. LANE: I offer it into evidence.

25 MR. SNYDER: Objection.

1 THE COURT: Sustained.

2 MR. LANE: May I know the basis.

3 THE COURT: No showing of any relevancy.

4 BY MR. LANE:

5 Q Can you tell us the sequence of events which led up to your
6 writing that article?

7 A I had communicated with a reporter from Wilmington, Delaware
8 with the newspaper there by the name of Joe Trento, and he had
9 informed me he was --

10 MR. SNYDER: Objection, Your Honor.

11 THE COURT: Objection sustained.

12 BY MR. LANE:

13 Q After talking with Mr. Trento, did you do anything?

14 A Yes, I attended a speech being given by Stansfield Turner
15 in Dallas on August 21 of 1978.

16 Q Did you interview Mr. Turner on that occasion?

17 A Yes, I talked to him after his speech was made. I walked
18 up and talked to him.

19 Q As a result of that interview, did you write that article?

20 A Yes, I did.

21 Q I show you now Defendant's Exhibit 2 for identification.

22 THE COURT: Counsel, so the Court will know what
23 aspects of hearsay are involved. Are you offering this to
24 prove the truth of the matter asserted in this article?

25 MR. LANE: No, to show the same.

1 THE COURT: Tell me what is the relevancy you are
2 seeking.

3 MR. LANE: The article written by Mr. Trento had some
4 of the same facts. The basic same facts as the one in
5 spotlight.

6 THE COURT: You are attempting to introduce it for the
7 jury to consider it for what purpose?

8 MR. LANE: The purpose of damages, Your Honor.

9 THE COURT: And that it was published, period, and
10 that is it?

11 MR. LANE: That the local Wilmington Paper was
12 published naturally.

13 THE COURT: All I am talking about is the exhibit.

14 MR. LANE: We have two.

15 THE COURT: So it was published.

16 MR. LANE: That it was published, that's correct.

17 THE COURT: With that limited exception any objection.

18 MR. DONNELL: May we approach the bench.

19 (Sidebar.)

20 MR. DONNELL: Your Honor, we have a general
21 objection -- issues -- we have a general objection, but more
22 specifically certain parts of this article should be clipped
23 out, because they pertain in no way to the allegations made in
24 the spotlight. And this is Mr. Lane's only offering, and
25 should the Court admit only those portions similar specifically

1 because they are inflammatory things in here which have nothing
2 to do with this case. We are not similar to the allegations in
3 the spotlight.

4 THE COURT: Let me say this so we understand each
5 other. Maybe the Appellate Court won't agree regardless how
6 this comes out. I am convinced we have a very astute
7 intelligent jury and with all you have yourself a fine jury,
8 and I am convinced that they will understand when I tell them
9 not to consider something other than for limited purpose.

10 MR. DUNNELL: There are inflammatory things that have
11 nothing to do with the limited purpose.

12 THE COURT: Such as.

13 MR. DUNNELL: Statements about some memo that Harvey
14 Oswald wrote in Spanish that has nothing to do with the facts
15 of this case.

16 THE COURT: He is not offering it to prove the truth
17 of the matter asserted.

18 MR. DUNNELL: We offer the spotlight article when we
19 offer the entire newspaper. They made a request so the jury
20 wouldn't be reading extraneous things.

21 THE COURT: Do you have any objection to extracting
22 portions?

23 MR. LANE: Yes. We are not offering the entire one,
24 but we are offering the articles just as they offered the
25 entire article. May I say also anything which defames Mr. Hunt

1 has been published is irrelevant.

2 THE COURT: I understand.

3 Any other ground to be noted issues?

4 MR. DONNELL: No.

5 THE COURT: Objection will be noted and overruled.

6 (Sidebar conference concluded.)

7 THE COURT: This exhibit will be offered and counsel
8 has advised the Court that they are offering it not to prove
9 the truth of the matter of anything asserted therein, and if
10 you at any time consider this exhibit for the truth of the
11 matter asserted in that article, you will be violating your
12 oath. Now, it is a difficult task, but I have absolute
13 confidence you can do it. I have announced that to the lawyers
14 and I believe you can. Does everyone understand that?

15 Let me be very candid with each other. If I am in
16 error and something comes in and you said Judge you let it in I
17 cannot follow your instruction you let me know and it will be
18 no hard feelings or nothing, and we will work it out some how.
19 This exhibit, there may be others, but this exhibit may not be
20 considered by you for anything to prove the truth of the matter
21 asserted in the article. Understood?

22 A JUROR: Which one?

23 THE COURT: The one I just admitted, which I think we
24 will mark as --

25 MR. LANE: It is 2

1 THE COURT: 2.

2 BY MR. LANE:

3 Q I am showing you Defendant's Exhibit 2, and asking you if
4 this article formed the basis for you of the question which you
5 put this to Stansfield Turner.

6 THE COURT: I don't think you offered that.

7 MR. LANE: We did and you sustained the objection.

8 THE COURT: I asked you for limited basis. Now you
9 told me it is only a limited basis.

10 MR. LANE: We would like to offer this one also.

11 MR. SNYDER: Objection.

12 THE COURT: Objection noted. Now again it is also
13 offered for that limited basis, which has been indeed what is
14 published, is that correct?

15 MR. LANE: That's correct.

16 MR. SNYDER: There are twenty-three other articles in
17 the page that have nothing to do with this trial.

18 THE COURT: If there is anything, the back payments or
19 anything redact that.

20 MR. LANE: Before we publish it to the jury, we will
21 have that one article.

22 THE COURT: Again, Ladies and Gentlemen, this is
23 which --

24 MR. LANE: This is CC.

25 THE COURT: CC and the sit --

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MR. LANE: Yes.

* THE COURT: Neither one maybe considered by you in any way to prove the truth of the matter asserted within the article. Understood?

There is other relevant reasons for me to introduce it, and counsel will bring it to your attention, to your both sides in due course of time.

BY MR. LANE:

Q The article entitled from the Sunday News Journal, the question is: Did that form the basis for the questions you asked of Admiral Turner?

A Yes, it did.

Q Following your interview with Admiral Turner, did you publish what has been marked as CC?

A Yes.

MR. LANE: At this time, I would like to publish the first one as soon as the other one is fixed. We will publish that as well.

BY MR. LANE:

Q The questions you asked Mr. Turner were questions you said based upon the transcript to piece in the Sunday News Journal, is that correct?

A Yes, they were.

Q You wrote an article about his response thereto?

A Yes.

1 Q Was that the heart of that article in reference to whether
2 or not there was a CIA memorandum regarding the presence of E.
3 Howard Hunt in Dallas, Texas on November 22, 1963?

4 A Yes.

5 Q Did you know when you wrote that article which was
6 published in the Dallas Morning News in August of 1978 that
7 therein fact had been an article published in spotlight making
8 reference to the same question in general?

9 MR. SNYDER: Objection.

10 THE COURT: Grounds.

11 MR. SNYDER: I don't think an event occurring after
12 the spotlight article has much to do with it.

13 THE COURT: On the grounds stated, overruled.

14 BY MR. LANE:

15 Q Do you understand the question?

16 A Yes.

17 Q Did you know that an article had been published in
18 spotlight on August 14, 1978, making reference to a CIA
19 memorandum regarding Mr. Hunt's presence or lack of presence in
20 Dallas, Texas?

21 A No, I did not.

22 Q When did you first hear that there was such an article in
23 spotlight?

24 MR. SNYDER: Objection.

25 THE COURT: Sustained.

1 BY MR. LANE:

2 Q Have you ever seen the spotlight article to this day?

3 A No, I have not.

4 Q I show you next one in evidence which is the spotlight
5 article which is the basis of this lawsuit, and ask you if you
6 have ever seen that before. I just handed it to you now.

7 A No, I have not.

8 Q What was the practice -- when did you write the article
9 which appeared in the Dallas Morning News about the memorandum
10 on August the 22nd, 1978?

11 A That would have been written the day before August, in
12 other words, August 21.

13 Q Was there a practice at the Dallas Morning News regarding
14 articles which you wrote in terms of availability to news
15 sources at that time?

16 A Yes, there was.

17 Q What was that practice?

18 A That the duplicates were available almost immediately to
19 Associated Press right after they were written.

20 Q Even before they were published in the Dallas Morning News?

21 A Yes.

22 Q I show you what has been be marked Defendant's Exhibit D
23 had for identification. And ask you what that appears to be.
24 May I now publish it to the jury, Your Honor.

25 THE COURT: Is that the one that needs to be redacted?

1 MR. LANE: It has been taken care of already.

2 THE COURT: Show it to counsel.

3 MR. LANE: We need a new sticker.

4 THE COURT: We have plenty of stickers.

5 THE COURT: Any objection with reference to the
6 irrelevant matter?

7 MR. SNYDER: No.

8 THE COURT: Objection is noted. Overruled. You may
9 publish it.

10 BY MR. LANE:

11 Q Have you read the exhibit before you?

12 A Yes, I have.

13 Q Does that appear to be an Associated Press dispatch based
14 on the article you had written?

15 A It is quite similar, yes, I believe it is.

16 MR. LANE: I offer this in evidence, Your Honor.

17 MR. SNYDER: Objection again. If we can have the
18 instruction about limited purposes.

19 THE COURT: I want to find out.

20 MR. LANE: Just for that limited purpose.

21 THE COURT: You have hearsay. I know what you are
22 talking about. Objection on the ground of hearsay.

23 MR. SNYDER: Yes.

24 MR. LANE: Offered just to show it was published, Your
25 Honor.

1 THE COURT: Not for the truth?

2 MR. LANE: Not for the truth.

3 THE COURT: Again, Ladies and gentlemen, do you want
4 me to go over this again? This exhibit which I now have just
5 submitted again may never be considered by you to prove the
6 truth of the matter, which is asserted therein. Everyone
7 understand?

8 Go ahead, you may publish it.

9 MR. LANE: It is now in evidence?

10 THE COURT: Yes, sir.

11 BY MR. LANE:

12 Q Do you know Mr. Trento?

13 A Yes, I do.

14 Q How long have you known him?

15 A About since 1978.

16 Q Do you know his reputation as a journalist among journalist
17 in the United States?

18 MR. SNYDER: Objection, Your Honor.

19 THE COURT: Grounds.

20 MR. SNYDER: The article by Mr. Trento is not being
21 offered for the truth of anything in it.

22 THE COURT: Objection sustained.

23 (Sidebar.)

24 MR. LANE: Mr. Trento will be a witness in this case.

25 His deposition has already been taken. We intend to read it

1 later today. Witness's character is in question. This man
2 came all the way from Texas, and if the Plaintiff will ask us
3 to re-arrange ours on your case.

4 THE COURT: What part of Texas?

5 MR. LANE: Dallas.

6 THE COURT: Twelve inches of snow. He can stay for an
7 hour or two. At this point the objection is sustained. There
8 is nothing.

9 MR. LANE: I am asking if they will stipulate to it
10 that Trento will be a witness.

11 MR. DONNELL: We object to his deposition, too.

12 MR. LANE: A step at a time.

13 (Sidebar over.)

14 BY MR. LANE:

15 Q Are you familiar with the writings of Mr. Trento?

16 MR. SNYDER: Objection.

17 THE COURT: Sustained. no relevancy.

18 MR. LANE: The relevancy is that Mr. Hunt has referred
19 to Mr. Trento as an assassination buff; that matter is before
20 the Court now. This man is entitled to say whether or not that
21 is true or not.

22 THE COURT: Argument.

23 MR. SNYDER: I think that is after he had been shown
24 the article that we were talking about here that is coming in
25 for this limited purpose.

1 THE COURT: Overruled. You may answer the question.

2 BY MR. LANE:

3 Q Are you familiar with Mr. Trento's writings over the years?

4 A Yes, I am.

5 Q Other than this article which appeared in the Sunday News
6 Journal in August of 1978, to your knowledge, has Mr. Trento
7 ever written any article in any way relating to the
8 assassination of President Kennedy?

9 A I don't believe so.

10 Q Do you know Victor Marchetti?

11 A Yes, I do.

12 Q Have you ever met Mr. Marchetti?

13 A Yes, I have.

14 Q When did you meet him?

15 A I believe it was the early or mid seventies.

16 Q Are you familiar with his writings?

17 A Yes, I am.

18 Q Have you discussed his reputation with investigative
19 journalists throughout the country?

20 MR. SNYDER: Objection.

21 THE COURT: Overruled.

22 THE WITNESS: Yes, I have.

23 BY MR. LANE:

24 Q What is Mr. Marchetti's reputation for truth and veracity
25 in that community?

1 A It is very good.

2 Q This is a hypothetical question to you as an investigative
3 journalist for some thirteen years. Mr. Golz, if Mr. Marchetti
4 offered an article to you or a statement to you for an article
5 that you were writing, and he said it came from a source in or
6 around the Central Intelligence Agency, and if he said to you
7 he could not reveal that source to you would you publish the
8 information that Mr. Marchetti had given to you?

9 MR. SNYDER: Objection.

10 THE COURT: Sustained.

11 MR. LANE: May I know the basis.

12 THE COURT: It is irrelevant what this man would do.

13 BY MR. LANE:

14 Q Would you rely upon Mr. Marchetti as a careful, cautious
15 and thoughtful journalist.

16 MR. SNYDER: Objection. If that is the question.

17 THE COURT: Objection sustained.

18 BY MR. LANE:

19 Q Would you rely upon Mr. Marchetti as a source?

20 MR. SNYDER: Objection.

21 THE COURT: Sustained.

22 BY MR. LANE:

23 Q What is Mr. Marchetti's reputation among journalist
24 regarding access to information from American Intelligence
25 Organizations?

1 MR. SNYDER: Objection.

2 THE COURT: Overruled.

3 THE WITNESS: I would say it is very good.

4 BY MR. LANE:

5 Q Why do you say that, on what basis?

6 A I have seen a number of occasions in Dallas when reporters
7 writing on that type of topic.

8 MR. SNYDER: Objection. We are getting into hearsay.

9 THE COURT: Objection sustained. Just answer his
10 question directly.

11 MR. LANE: That was a question on what basis would he
12 reach that conclusion.

13 THE COURT: Then I will sustain the objection, not
14 allow it to be answered, if it is going to reflect the hearsay.

15 BY MR. LANE:

16 Q Did the article which you wrote about the CIA memorandum --
17 withdraw that?

18 What was the circulation of Dallas Morning News during
19 August of 1978?

20 MR. SNYDER: Objection.

21 THE COURT: Overruled.

22 THE WITNESS: I would say somewhere slightly over
23 300,000.

24 BY MR. LANE:

25 Q Were you sued by Mr. Hunt for having published the article

1 which you wrote on August 21, 1978 which was, in fact,
2 published in the Dallas Morning News the following day?

3 MR. SNYDER: Objection.

4 THE COURT: Grounds.

5 MR. SNYDER: There is no requirement that Mr. Hunt
6 sued anyone.

7 MR. LANE: We didn't say there was.

8 MR. SNYDER: When somebody makes a suggestion that is
9 totally irrelevant to what is going on in the case.

10 THE COURT: Counsel.

11 MR. SNYDER: We didn't say that.

12 MR. LANE: It is relevant in terms of damages.

13 THE COURT: Overruled. Answer the question.

14 BY MR. LANE:

15 Q Were you or the Dallas Morning News sued for the
16 publication of the article to which you testified which you
17 have written?

18 A No.

19 Q Did you receive a demand for retraction for that article
20 from Mr. Hunt or his counsel?

21 MR. SNYDER: Objection.

22 THE COURT: Sustained.

23 Q Did Mr. Hunt ask the Dallas Morning News to retract the
24 article which was published?

25 MR. SNYDER: Objection.

1 THE COURT: Sustained.

2 MR. LANE: May I know the basis.

3 THE COURT: Not relevant counsel.

4 BY MR. LANE:

5 Q Did the spotlight article, which is Plaintiff's Exhibit 1
6 in this case, play any part whatsoever in either the story
7 which you wrote in the Dallas Morning News or the article
8 circulated throughout the country by the Associated Press?

9 MR. SNYDER: Objection, if he knows.

10 THE COURT: All of it is to your knowledge. If you
11 don't know obviously you cannot testify. All testimony has to
12 be based on personal knowledge. With that understanding you
13 may answer the question if you can.

14 THE WITNESS: Thank you. No, it did not.

15 MR. LANE: I have no further questions.

16 THE COURT: Cross examination.

17 CROSS EXAMINATION

18 BY MR. SNYDER:

19 Q So for all you know, Mr. Golz, Mr. Trento's story could
20 have been based totally on the spotlight article, could it not?

21 MR. LANE: I object to that as irrelevant.

22 THE COURT: Overruled.

23 MR. LANE: Calls for speculation.

24 THE COURT: Overruled.

25 THE WITNESS: I have no personal knowledge whether it

1 was or not.

2 MR. SNYDER: Thank you. Redirect.

3 REDIRECT EXAMINATION

4 BY MR. LANE:

5 Q Did you have a discussion with Mr. Trento before you wrote
6 your article?

7 MR. SNYDER: Objection.

8 THE COURT: Sustained. You covered it, counsel.
9 Anything else?

10 MR. LANE: They have raised this question, Your Honor.
11 I think we are entitled. He said for all you know it could
12 have been based on spotlight if he talked to Mr. Trento and Mr.
13 Trento told him about the memorandum independently that is
14 relevant.

15 THE COURT: Not today.

16 MR. LANE: Not today.

17 THE COURT: Yes.

18 MR. LANE: Could we make appointment for a time when
19 it might be relevant.

20 THE COURT: Next year or two.

21 MR. LANE: Under those circumstances we call Mr.
22 Marchetti.

23 THE COURT: All right, Thank you. You may step down.
24 May this witness be excused.

25 MR. SNYDER: Yes.

1 MR. LANE: Yes.

2 THE COURT: Mr. Marchetti was sworn.

3 V I C T O R M A R C H E T T I, WAS CALLED, AND HAVING
4 BEEN DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

5 DIRECT EXAMINATION

6 BY MR. LANE:

7 Q State your name and spell your last name for the record.

8 A Victor L. Marchetti, M-A-R-C-H-E-T-T-I. 2415 Becan Court
9 Vienna, Virginia.

10 Q What is your occupation, Mr. Marchetti?

11 A Freelance writer and lecturer and occasional consultant.

12 Q Have you ever written a book?

13 A Yes, I have written two books.

14 Q Are you married?

15 A Yes, I am.

16 A I have been married for 31 years. We have three sons all
17 of whom are married. And two granddaughters one of whom is
18 living with us.

19 Q Were you ever employed with the Central Intelligence
20 Agency?

21 A Yes, I was.

22 Q Were you in court when Mr. Hunt testified?

23 A Most of the time.

24 Q Were you here when he offered a letter which he had
25 received when he left the CIA?

1 A Yes.

2 Q Do you have a letter like that?

3 A Yes. I got a picture like that too.

4 Q Did you frame it?

5 A Yes.

6 Q What was your rank in the Central Intelligence Agency?

7 A GS-15.

8 Q Would CIA ranks be equivalent to military ranks?

9 A Yes, that would be roughly equivalent to a full Colonel.

10 Q How long had you served with the Central Intelligence
11 Agency?

12 A Fourteen years.

13 Q While you were with the Central Intelligence Agency, did
14 you ever -- do you know what disinformation is?

15 A Yes.

16 Q What is disinformation?

17 A It is the publishing or the broadcasting of information
18 which is false and intended to deceive or confuse the audience.

19 Q In the years you were with the Central Intelligence Agency,
20 did you ever publish or write disinformation?

21 A No, I did not.

22 Q Were you ever involved in any plot or conspiracy while you
23 worked in the Central Intelligence Agency to violate the
24 American law?

25 A No, I was not.

1 Q What did you do in the CIA?

2 A I was --after some training in clandestine activities, I
3 spent my entire career as the deputy director of intelligence,
4 which is largely engaged in research and analysis of
5 information acquired on foreign countries and targets.

6 I worked largely on Soviet military matters, their
7 activities in the third world, their supply of military aid and
8 on Soviet strategic matters such as I.C.B.M.'s, and
9 anti-ballistic missile defenses and the like. And I spent
10 three years on the directors staff.

11 The director has a staff in the table of structure of
12 the CIA, it is called the directors office. That concludes his
13 own office. It includes the deputy directors office, the
14 executive directors office. And several other groups like the
15 director for planning program and budgeting and number of other
16 things registry and the like.

17 Overall considered the director's office that it is
18 not the same thing as his own immediate office in which he
19 works with his own staff man or men and his own secretary's.
20 This is part of the larger concept of the directors staff.

21 I worked there for about three years. I was a special
22 assistant to the director for planning programming and
23 budgeting for the CIA. I was executive assistant to the
24 executive director controller at various times. And I spent
25 the period of six or eight months as executive assistant to the

1 Deputy Director of the agency who was then Admiral Rufis
2 Taylor. I had one more assignment before I left the agency
3 which was in -- which had to do with overhead recognizance.

4 Q Did you sign an agreement of secrecy with the Central
5 Intelligence Agency when you first went there?

6 A Yes, I did.

7 Q Does that deal with information you secured while you were
8 at the CIA?

9 A Yes, the one that I signed upon entering the very -- was
10 very short contracts or agreements which you have said
11 something like you would not reveal any information harmful to
12 the securities of the United States. Without that that was the
13 trust of it. I think it says that you wouldn't release any
14 classified information without the approval of the director.
15 It is a little vague. I have not read it in a long time.

16 Q When did you leave the Central Intelligence Agency?

17 A In September of 1969.

18 Q When did you first go to work for the CIA?

19 A In October of 1955.

20 Q Was there any specific reason why you left the Central
21 Intelligence Agency?

22 A Yes. I was growing where I have the intelligence business.
23 And I felt I was still young enough to strike out in a new
24 career. And I thought I would try my hand at writing. So when
25 I announced that I was going to leave the director who was then

1 Richard helpful himself called me into his office. He was the
2 first one and asked me why I was leaving and I told him.

3 MR. SNYDER: Objection. Hearsay.

4 MR. LANE: His testimony as to what he said.

5 THE COURT: Who said?

6 MR. LANE: He is testifying what he himself said.

7 THE COURT: Still hearsay under the Federal Rules.

8 Sustained.

9 THE WITNESS: I told him that I was leaving.

10 THE COURT: No, you have to answer your next question.

11 THE WITNESS: I am sorry.

12 THE COURT: Don't go away you will be right back.

13 THE WITNESS: I am not going anywhere myself, Your

14 Honor.

15 BY MR. LANE:

16 Q After you left the Central Intelligence Agency, did you
17 prepare a plan you kept?

18 A Yes, I did.

19 Q Did you write that book alone or another person?

20 A I wrote it myself.

21 Q What was the name of that book?

22 A The Rope Dancer. It was a spy novel.

23 Q Was it a work of fiction?

24 A Yes.

25 Q Subsequently, did you write another book?

1 A Yes.

2 Q Did you write that by yourself or with another person?

3 A I had a co-author named John Marks.

4 Q Who is Mr. Marks?

5 A Mr. Marks was a former member of the State Department
6 Intelligence Program, foreign service officer who had been in
7 Vietnam.

8 Q What was the title of the book you and Mr. Marks wrote?

9 A CIA and the Cult of Intelligence.

10 Q Was that publish?

11 A Yes.

12 Q When was it published?

13 A In 1974, in mid '74.

14 Q After you left the CIA, did you make any efforts to bring
15 about changes within the Central Intelligence Agency?

16 A Yes, I did.

17 Q What did you do?

18 A I began speaking to Senators and Congressmen up on the hill
19 particularly some of those who were on the CIA oversight
20 committee. Trying to encourage them to investigate the CIA,
21 and because I felt it was in need of certain reforms, and I
22 knew from some of my experience in the CIA and dealing with
23 Congress that they had noticed a complete go oversite committee
24 had not met in over a year at that time.

25 Q Have you or any members from your family visited the office

1 of the Central Intelligence Agency after you resigned from that
2 office?

3 A Yes.

4 Q On what occasion?

5 A I left under the best of circumstances, in my relations
6 with my former colleagues and I would occasionally go back to
7 visit, and the director invited my wife and three kids up one
8 day for coffee and let them sit in his big red chair and had
9 the security officers take them on a little tour.

10 But then after I announced my intention -- after the
11 novel came out, which was not complimentary to the CIA, and
12 after I announced my intention because I was having no affect,
13 no real affect upon the hill in bringing about a review of the
14 CIA, and reform of the CIA, I announced I would do the CIA Book
15 with John Marks. I never was invited back to the agency except
16 for discussion of certain matters with the their legal counsel
17 regarding the book.

18 Q Were you ever asked by anyone associated with the Central
19 Intelligence Agency to under data any assigned events with the
20 CIA after you left the CIA.

21 A Yes, after having had great deem of legal difficulty with
22 the CIA, and having been double crossed described by them, they
23 sued me before I ever wrote the book. They sued me and they
24 got this permanent injunction against me.

25 We went through the Courts with it, and we were denied

1 certain in the Supreme Court, I then sued them after the book
2 was written. One at the District Fourth, District Level, the
3 Judge said he couldn't see anything except for twenty items.

4 MR. SNYDER: Objection.

5 THE COURT: Sustained.

6 BY MR. LANE:

7 A Anyway we went through that drill. I figured I was quite
8 surprised when about a year or so later a friend of mine case
9 officer, whom I had not seen in years, from the Latin America
10 Division came to visit me one night, and asked --

11 MR. SNYDER: Objection.

12 THE COURT: Sustained?

13 MR. SNYDER: The objection is sustained.

14 THE COURT: I will instruct the witness.

15 MR. LANE: Thank you, Your Honor.

16 BY MR. LANE:

17 Q Were you offered an assignment on by the Central
18 Intelligence Agency at that time?

19 A Yes.

20 Q What was that assignment?

21 A To go to Europe and steal the manuscripts of another former
22 CIA officer who was writing a book.

23 Q Did you agree to do that?

24 A I did not.

25 Q Why not?

1 A I believe they had the manuscript and they were simply
2 testing me.

3 Q To your knowledge, are you the only high ranking CIA
4 officer to have been involved in litigation with the CIA
5 regarding effort to publish material come?

6 MR. SNYDER: Objection.

7 THE COURT: Ground.

8 MR. SNYDER: Relevancy.

9 THE COURT: Counsel.

10 MR. LANE: They have said that Mr. Marchetti is in
11 warfare with the CIA. We wanted to show Mr. Turner and Colby,
12 two former directors of the CIA have been involved in similar
13 legal contest with the CIA. It does not mean it is warfare.

14 THE COURT: Objection sustained.

15 BY MR. LANE:

16 Q Have you been involved in warfare with the Central
17 Intelligence Agency?

18 A I don't think so.

19 Q Was anyone injured in your battles with the CIA.

20 A. No.

21 Q Tell use about your litigation with the CIA?

22 A When I decided to write this book I made no secret of it.
23 The agency sent the former Deputy Director of the CIA Admiral
24 Turner to visit me or asked me to meet with him.

25 MR. SNYDER: Objection.

1 THE COURT: Objection. Sustained.

2 Counsel, knows what he wants too elicit, thank you.

3 Answer his question directly.

4 BY MR. LANE:

5 Q Did you have a discussion with Admiral Turner, did you say?

6 A Yes, I did.

7 A Admiral Rufus Taylor.

8 Q Following that discussion, did you think the matter had
9 been resolved regarding the publication of your book?

10 A Yes, it was my understanding that a group of senior CIA
11 officers would review the book and advise me and the agency if
12 they thought there were any problems we can work them out.

13 Q Had your book be published yet?

14 A No, I had not even written it yet. I promised that I would
15 not give any interviews or make any statements during the
16 process of writing the book so that that they could have a good
17 review of it.

18 Q Did you keep that promise?

19 A Yes. Yes, I did, but they didn't keep their side of the
20 bargain.

21 Q In what way?

22 A The week the agreement was made, I was served with a
23 subpoena to appear in court to answer to a temporary injunction
24 preventing me from writing anything without first clearing it
25 or publishing anything without first clearing it with the CIA,

1 which was of course the agreement we had come to any way.

2 Q Did you write the book?

3 A Yes, I did.

4 Q Was it submitted to the Central Intelligence Agency?

5 A Yes, it was.

6 Q Did they review it?

7 A Yes, they did.

8 Q Did they take you to Court to see to it that certain
9 portions of the book be deleted?

10 A They did.

11 Q Was the book published with the deletions?

12 A Well, they identified around 300 or 30 or 40 passages well
13 words passages, pages that they wanted deleted, prior to
14 actually going into Court. We had negotiations with them over
15 a period of weeks, in which about half of those were
16 reinstated.

17 Q By the CIA?

18 A By the CIA. By the time we got into Court we were only
19 about 106 or so passages remaining. And the Court decided that
20 those passages with the exception of twenty on a technicality
21 were neither classified nor classifiable and that the book
22 could be printed as written. The Government appealed, and we
23 could not wait any longer so we went to press with blank spaces
24 in the book.

25 Q Did you know whether or not at that point the request of

1 the CIA not to publish those areas which they had said they did
2 not wish to have you publish?

3 A Yes, and every time the book has been reprinted thirty
4 cases. We have always gone back to the CIA and ask them to
5 review these remaining items and see if any are available and
6 they always say -- in the two incidents they say these twenty
7 or thirty -- he can put in these twenty or thirty. You can put
8 in. So there may be 100 items still missing.

9 Q What is the name of the book?

10 A CIA and the Cult of Intelligence.

11 Q Have you ever been sued for liable or defamation on an
12 account of the publication of that book?

13 A No.

14 MR. SNYDER: Objection.

15 THE COURT: Overruled.

16 BY MR. LANE:

17 Q Have you?

18 A No, I have not.

19 Q Since the publication of the book, have you published any
20 articles in newspapers or magazines about America Intelligence
21 activities?

22 A I have written a few dozen, I guess, that relate in some
23 way. Many of them relate to United States Intelligence
24 activities or in general.

25 Q Where have they be published?

1 A Various magazines. Penthouse, Galaxy, I can't really
2 spotlight -- well not really. Various places.

3 Q Have you ever lectured on the question of American
4 intelligence?

5 A Yes. Well, I have been on the lecture Circuit and have
6 spoken about my investigation on U.S. Intelligence.

7 THE WITNESS: I have debated former Director Bill
8 Colby on a few occasions at the Yale Political Union and
9 American Bar Association. And some other high ranking
10 officers, former officers on different occasions. Different
11 forums; different TV packages.

12 BY MR. LANE:

13 Q Besides Yale, have you lectured at any other colleges in
14 the United States on this subject?

15 A Yes. About 300 or so.

16 Q I don't think there is any need for you to list them. All
17 you could give us an example of the colleges you lectured at,
18 just a few.

19 MR. SNYDER: Objection.

20 THE COURT: Overruled.

21 THE WITNESS: Notre Dame. Ohio State, Nebraska,
22 entire Big Ten. I think the entire out southeast conference.

23 THE COURT: Any with the University of Florida?

24 THE WITNESS: Sorry, that one I missed.

25 MR. LANE: Do we have to get another witness now?

1 THE COURT: We could have stopped.

2 BY MR. LANE:

3 A The University of Southern Cal, UCLA.

4 Q Have you appeared on any television programs at which time
5 you discussed the any aspect of America intelligence?

6 A Yes.

7 Q Which programs, if you recall?

8 A Dick Cavitt Show. Former Dick Cavitt Show. The Merv Griffin
9 Show. Mike Douglas, numerous network type shows, syndicated
10 shows of that nature. And a lot of local TV and programs all
11 over the country.

12 Q Have you appeared on radio programs which you were
13 interviewed and you spoke about matter relating to American
14 intelligence?

15 A Yes.

16 Q In all of the articles, which you have published, which you
17 discussed American intelligence activities, in the books which
18 you have published and which you have discussed American
19 intelligence activities, in all of your lectures at colleges,
20 your talks on radio and television programs throughout the
21 country, have you ever been sued for slander, liable or
22 defamation by anybody for anything that you ever said about
23 American intelligence?

24 A No.

25 Q Has any publisher other than spotlight magazine in this

1 particular case or any radio station or any television station,
2 or any university, or any book or magazine or newspaper
3 publisher ever been sued for anything that you have said or
4 written about the activities of American intelligence?

5 MR. SNYDER: Objection.

6 THE COURT: Overruled.

7 THE WITNESS: No.

8 MR. LANE: I wonder if this would be a good time to
9 break. It would for us.

10 THE COURT: Ladies and Gentlemen, we will take a 55
11 minute lunch. It is five minutes after 12:00. We will be in
12 recess until 1:00 o'clock. Only the same instruction, same
13 admonitions I have given you.

14 THE COURT: Any other requested charges?

15 (Thereupon, a lunch recess was taken.)

16 MR. SNYDER: Mr. Lane has -- we made a deal --.

17 THE COURT: You made a deal. Reword that for the
18 record.

19 MR. LANE: I did not participate in that.

20 MR. SNYDER: We had an understanding after Mr.
21 Marchetti is over. Mr. Lane will read the deposition of a
22 witness named Morita Lorenz. Our rebuttal witnesses will
23 impeach Miss Lorenz's claims she ever worked for the CIA. We
24 have two witnesses who will be reasonably short on that
25 subject. One witness will also testify.

1 THE COURT: All you want to do is call them out of
2 turn.

3 MR. SNYDER: Mr. Lane says he will object not being
4 proper rebuttal.

5 THE COURT: We will take it up. If we rule they are
6 proper, they will testify, did not they won't testify.

7 THE COURT: Bring the jury in please.

8 (Jury entered.)

9 THE COURT: Continue with your examination, Counsel.

10 BY MR. LANE:

11 Q Do you recall writing an article which was published in the
12 spotlight in August of 1978?

13 A I do.

14 Q Would you tell us the sequence of events in terms of how
15 that originated?

16 A I had been picking up rumors from some reporter friends of
17 mine in Washington, and some other people, to the effect that
18 there was some kind of a memorandum, an old memorandum dated
19 1966 that had been discovered or accidentally or otherwise
20 within the CIA, and that this memorandum -- the gist of it was
21 that it asked the question what are we going to do about the
22 fact that Hunt was in or some day we will have to deal with the
23 fact that Hunt was in Dallas on the 22nd of November, 1963.

24 And that this memorandum was an apparently the house
25 select committee on assassinations, which was then preparing to

34
1 have its hearings on the JFK and Martin Luther King murder, had
2 gotten a hold of this and there was a great constanation and
3 among former and current CIA officers.

4 It was a very interesting time because it was also
5 rumors circulating and had been found to indicate there was
6 more than one shooter that perhaps two or three shooters during
7 the assassination.

8 Q Which assassination?

9 A The assassination of JFK. And there were other rumors,
10 because the commitee was delving into all sorts of things, and
11 reporters, reporter friends in the Washington area were coming
12 up with this kind of information and they were trying to follow
13 leads. I decided I would try to check these out. It sounded
14 like a potential story that I might write and sell.

15 I went to see Bill Corson, and I was going to see Dr.
16 William Corson, who was then the penthouse representative in
17 Washington, D.C., and was a former intelligence officer, marine
18 intelligence officer who had served in the Pentagon and on
19 attached duty with the CIA. I believe he had been in OSS
20 during the war.

21 I was friendly with Bill and use to meet with him
22 frequently to discuss matters of intelligence. I had great
23 respect for this man because he had written a book called the
24 Armies of Ignorance that came out in 1975. I think the best in
25 scope and depth of history and analysis of the creation and

22
1 evolution of the United States Intelligence Community, and it
2 was -- it had a lot of very good insights.

3 Well, he gave -- he gave me an autographed copy that
4 is how I got to know him, and we use to talk about the matter.
5 I was always amazed how much he knew about what was going on in
6 the intelligence community. He seemed to know just about
7 everybody and all the high ranking CIA officers of the fifties
8 and sixties and even into the seventies period.

12
9 Q Was he in charge of all the intelligence stories published
10 in penthouse?

11 A No, he was not. Well, I really don't know, but the work I
12 did for penthouse never went through Bill Corson. Somebody I
13 also dealt with the New York office with the editor and chief
14 up there and his people. My dealings with Bill Corson were
15 strictly exchanging ideas talking about things maintaining
16 contact.

17 Q Had he ever given you information about in terms of a
18 prediction that turned out to be accurate later on?

19 A Yes, he did. He called me up one day, invited me for lunch
20 with him at the the Hey Adams and introduced me to another
21 British author whose name escapes me right now who was working
22 on the fill be affair, and I could not imagine what else there
23 was to be written or said about the filby affair, filby was a
24 British agent, very high ranking British agent who turned out
25 to be a Soviet spy, a net burden guys son and so on he was

1 talking about a fourth man.

2 MR. SNYDER: Objection.

3 THE COURT: Sustained.

4 THE WITNESS: He published a book subsequently. And
5 in which he revealed there was a for the man.

6 MR. SNYDER: Objection.

7 THE COURT: Objection sustained.

8 MR. LANE: About the publication of the book, Your
9 Honor.

10 THE COURT: About some fourth man.

11 MR. LANE: The question, Your Honor, was whether or
12 not Mr. Corson was his source.

13 THE COURT: His response was not -- he was not
14 responding to your question properly. It is not a response.

15 It is not proper response. I sustained the objection.

16 BY MR. LANE:

17 Q Did Corson ever lead you to information in the form of a
18 prediction which turned out to be accurate?

19 A Yes.

20 Q What was the prediction?

21 A The British author he introduced me to was preparing a
22 book, which was subsequently published, in which he discovered
23 there was a fourth man in the filby affair and was made public
24 subsequently.

25 Q Before it was known publicly there was a fourth man, in Mr.

1 Corson's presence, did his contact tell you there was a fourth
2 man.

3 MR. SNYDER: Objection.

4 THE COURT: Sustained.

5 BY MR. LANE:

6 Q Did you feel you can rely upon Mr. Corson as a good source
7 of intelligence?

8 A Yes.

9 Q Why?

10 A Because he had demonstrated over and over again his vast
11 knowledge of the organization and his contacts with all sorts
12 of high ranking people, and his views that he would express
13 that I would then later read about in the papers.

14 Q Did you have a discussion with Mr. Corson about any --
15 about the CIA memorandum to which you referred in your article
16 and in spotlight?

17 A Yes, I did.

18 Q What was that conversation?

19 MR. SNYDER: Objection.

20 MR. LANE: The source.

21 THE COURT: Grounds.

22 MR. SNYDER: Hearsay.

23 MR. LANE: This is the source of the article, Your
24 Honor.

25 THE COURT: Is this hearsay.

1 MR. LANE: It is the source of the article if they
2 don't want to hear how he found out about it, it is all right.

3 THE COURT: Is it hearsay.

4 MR. LANE: Of course it is hearsay.

5 THE COURT: Are you offering it to prove the truth of
6 the matter?

7 MR. LANE: To prove that is how he got it not that the
8 statement itself was true.

9 THE COURT: The objection to the limited basis.

10 MR. SNYDER: Not on that basis.

11 THE COURT: The answer to this question is not can you
12 not consider it for the truth that asserted in the answer, but
13 that the statement was made to him. Just that the statement
14 was made, is that correct?

15 MR. LANE: Yes.

16 BY MR. LANE:

17 Q You may tell us about the discussion you had with Mr.
18 Corson about the CIA memorandum.

19 A I told him I was picking up these rumors and that I knew of
20 at least two reporters, two reputable big time reporters who
21 were working on the story, did he hear anything about it or was
22 there anything he can add to it and he said, "Yes," and then
23 discussed the memo in greater detail.

24 Q What did he tell you?

25 A That --

1 MR. SNYDER: Objection.

2 MR. LANE: For the same purpose.

3 THE COURT: Same limited purpose.

4 MR. LANE: To show his source.

5 THE COURT: Jury understands, thank you.

6 THE WITNESS: He told me such a memo existed that the

7 house committed it, that the CIA was concerned about it because

8 of their concern it held a meeting in I believe it was March, a

9 few months earlier, and to discuss what to do about it. And he

10 then went on to speculate that it would be something like a

11 limited hang out and we discussed that at length.

12 BY MR. LANE:

13 Q What is a limited hang out?

14 A In the way he was using it, it was that the CIA would

15 because they were going to be confronted with this memo, which

16 would strongly suggest some sort of involvement not necessarily

17 by the institution but by an individual who was with the

18 organization, and this would cause great embarrassment that

19 they were going to sacrifice somebody or something.

20 We were going to tell some more about the CIA and/or

21 more about their involvement and/or cover up of the

22 circumstances surrounding the JFK assassination, but they were

23 not going to tell the whole truth.

24 Q Is that the definition of the limited hang out when Mr.

25 Corson told you this would be a limited hang out?

1 A Yes.

2 Q Did it seem possible to you that the CIA might engage in a
3 limited hang out?

4 A Yes, it did.

5 Q Why?

6 A For many reasons: First of all, if it were true that such
7 a memo did exist and the house committee was going to make it
8 public, obviously the agency would have to answer to it or
9 either that or disapprove, just prove the memo was legitimate.

10 Since he told me they were having a meeting to discuss
11 this, that implied they thought the memo might be real, and
12 therefore they had to have some kind of a cover story or some
13 way of dealing with this potential bomb shell.

14 Q Have you ever, in your experience at the CIA, known the CIA
15 to become involved in a limited hang out prior to that time?

16 A Of this nature?

17 Q Of any nature?

18 A I am sure they were in certain clandestine activities that
19 we don't need to get into. There may have been times when this
20 sort of activity occurred during the work, you know.

21 Q I am not asking you to violate any agreement that you
22 signed with the CIA. Do you know of any time when testimony
23 was offered to any Congressional Editorial Committee that the
24 CIA was involved in a limited hang out?

25 A Not during my service in the CIA, but subsequently.

59
1 Q What did you learn that you can talk about, is that
2 correct?

3 A Yes.

4 Q What did you learn subsequently?

5 A I was never very interested in the JFK assassination. I
6 became more interested in that after I left the agency. I am
7 not a buff, but I developed a greater interest in it. And it
8 seemed to me we had a famous investigation of the Kennedy
9 assassination. In which at the time it was conclude Oswald
10 acted alone, nobody was involved. That the what you are
11 written commissions report did not hold up in its entirety.

12 Subsequently, the Rockefeller commission looked into
13 it and more information dribbled out, and some of it had to do
14 with the CIA being -- if not they were at least tardy in
15 providing information.

16 Q Tardy.

17 A Yes. And that still didn't seem to be the whole story. We
18 had the Church Committee and they delved into more and more
19 information dribbled out. Now, we were having the house
20 committee and the town was full of rumors about more
21 information going to dribble out and subsequently it did.

22 And just taking -- just the Rockefeller Committee
23 report, I testified before that group, on limited matter and
24 they said the CIA -- they found the CIA, based on the
25 information provided by the CIA, they had done a few things

1 that were not quite proper in keeping with their mission.

2 * Then a few years later we have the Church Committee
3 and they find out still more and a lot more, so I would view
4 the Rockefeller Commission reporting as a limited hang out
5 admitted to certain things then comes along.

6 Q Other than Mr. Corson, did you have any sources regarding
7 the stories that you were hearing?

8 A On the shooting, the fact that the tape existed. I vaguely
9 recall somebody from Dallas, some investigator researcher
10 having told me more or less confirmed or corroborated.

11 I had no corroboration of Doctor Corson's story except
12 that I knew two other reporters had heard about it and were
13 working on the story and had told me so.

14 Q Can you give him the names of those reporters?

15 A No, I will not. I don't think -- I don't think I should.

16 Q What did you then do?

17 A Well, I sat down with this information and after talking to
18 a few people and I thought I probably could write a short
19 article, and since it was getting on towards time when the
20 committee would meet about, the only place I could get the
21 story in would be because the major magazines, Time and
22 obviously that kind of a story would be in competition with
23 Time, News Week, and so on and so forth.

24 So, I contacted Willis Carto at the Spotlight, and
25 told him what I had and what my idea was, and he said it sounds

1 good, I will buy it from you. So write it up. Which I then
2 did. I drafted an article and submitted it to Spotlight.

3 Q Did you have discussions with anyone at Spotlight about the
4 article at any time?

5 A It was so long ago I couldn't remember, but in listening to
6 yesterday's testimony when I heard Jim Tucker saying about that
7 he probably called me up to discuss that, perhaps that rang a
8 bell, because when he said that I was getting very involved
9 because I have a vague recollection of a fairly long section on
10 the three shooters or two or more shooters.

11 I recall him -- I think I now recall him calling me
12 and saying I boiled this down, and so forth, and it is possible
13 that Willllis might have called me to ask me a question or
14 something.

15 Q You of course are now seeing what is Plaintiff's Exhibit 1
16 the article in Spotlight?

17 A Yes, I have.

18 Q You saw it when it was published for the first time?

19 A I thought it came out in the Spotlight Newspaper.

20 BY MR. LANE:

21 Q Is that article in some sum and substance what you wrote?

22 A Yes.

23 Q Do the headlines, the subject heads or the efforts to
24 tighten in certain portions and change certain portions, change
25 any of the substance whatsoever in your view in terms of what

1 you intended to write?

2 MR. SNYDER: Objection.

3 THE COURT: Overruled.

4 THE WITNESS: Not the substance, no.

5 BY MR. LANE:

6 Q You stand behind that article, that is your article?

7 A Yes, I do.

8 Q Was that was that article intended to present facts or
9 opinion?

10 MR. SNYDER: Objection, it calls for a conclusion.

11 THE COURT: Overruled.

12 THE WITNESS: It was a speculative piece based upon my
13 analysis of what information was available to me trying to
14 predict what might appear at the house committee hearings.

15 BY MR. LANE:

16 Q By in large, did it report what you claimed to have been
17 fact which happened or events which it was your opinion would
18 happen in the future?

19 A The main trust of my thinking and the article was intended
20 to be that something big has been discovered. The country will
21 learn some more about the Kennedy assassination. But it is
22 such a dynamite material that something is to be covered up and
23 possibly somebody, some people, some individuals are going to
24 be sacrificed in order to protect the big institutions involved
25 and the entire establishment.

1 Q Was it in your view, in your intent, an article dealing
2 with an opinion as to future events or an assertion as to
3 facts, things that happened already.

4 MR. SNYDER: Objection. It calls for a legal
5 conclusion.

6 THE COURT: Overruled.

7 THE WITNESS: Based on the facts I had, I was trying
8 to reach a conclusion. It was my opinion.

9 BY MR. LANE:

10 Q I show you Plaintiff's Exhibit 10 for identification and
11 ask you if you can identify this.

12 A Yes, this is my regional draft of the article with the
13 editing that Spotlight did on it.

14 Q I don't --

15 MR. LANE: I don't believe this is in evidence.

16 THE COURT: Had you assumed it was in evidence,
17 Counsel.

18 MR. DONNELL: It was moved in evidence yesterday and
19 it was admitted.

20 MR. LANE: I was about to offer it.

21 THE COURT: I don't have a recollection, but you have
22 no objection to it.

23 MR. LANE: I will now re-offer it in re-evidence.

24 THE COURT: You offer it?

25 MR. DONNELL: It was admitted yesterday.

1 THE COURT: We will mark it what number?

2 MR. LANE: Ten.

3 THE COURT: We will receive Plaintiff's Exhibit 10
4 without objection.

5 BY MR. LANE:

6 Q Did anything take place after the article had been
7 published?

8 A Yes.

9 Q What happened?

10 A I guess a week or two later Willis Carto called me up and
11 said that E. Howard Hunt's lawyer had written him a letter
12 complaining about the article and demanded retraction. He said
13 "What do you suggest?" And I said, "Give me a couple of days.
14 Let me go back and talk to some people that I relied on in
15 developing the story and see what I can learn."

16 Obviously, the first person I went back to was Doctor
17 Corson, who then elaborated upon the article and told me it was
18 written by James Angleton and written to former Director
19 Richard Helms, that it had been initialed by Sammy Halpern.

20 Q Who is Sammy Halpern?

21 A Sammy Halpern was a staff officer at one time in the office
22 of the director of plans or operations as it is known today.
23 And he generally corroborated and expanded upon the original
24 information he had given me.

25 I also checked with the two reporters that I knew who

1 were working on this story, and they said they were continuing
2 to work on it, and that they thought something was there and
3 they were going to -- hoping to bring something soon.

4 I also -- since I had contact with some of the people
5 on the house committee staff, contacted them, and to tried to
6 learn more information from them. I took a flier and called a
7 person I knew in the CIA just on the off chance that he might
8 know or be able to tell me something. It was a very brief
9 conversation and he said in essence they are getting into our
10 pants, but don't ask me any questions, you talk to them,
11 meaning the house committee. And I felt that after checking
12 then the house committee sent one of their investigators, a man
13 named Harold Leek, as I recall, and one of their counsel,
14 deputy counsel down to see me in my home

15 When I quieried them. And they were very concerned and
16 in asking me all kinds of questions I was asking them and what
17 do you know about this, and it was a very strong sort of
18 afternoon.

19 They seemed to be more concerned about what I knew and
20 in a very strange sort of way, and actually even said we are
21 not sure there is other people on the committee that think you
22 are still working for the CIA, and you are trying to sniff out
23 information from use to give to them.

24 Q Were you at that time working for the CIA?

25 A No.

15
1 Q From that discussion with the staff member and counsel, one
2 of the counsel for the house select committee on assassination
3 from their demeanor and questions, did you draw any conclusion
4 as to whether or not the memorandum, in fact, existed?

5 A Well, based on all that information put together, I was
6 convinced that something existed because now I had gotten more
7 detail. Their demeanor was very suspicious. The comment of my
8 friend in the CIA, and other things, and the attitude of the
9 other reporters, gee, I am on to something, and probably it
10 will come out in the hearing, and I so advised. I then got
11 back in touch with Mr. Carto. I actually went down to see him.

12 Q In what city was that?

13 A In Washington, D.C., and I explained all this to him. And
14 I said it is my opinion that you do not print a retraction,
15 that you -- that we follow-up on this story....We continued to
16 investigate it and do a follow-up piece after, but he said
17 okay, in a vague sort of a way he said but what if I already
18 offered Mr. Hunt an opportunity to state his side of the case,
19 give an equal space, it is it all right with me. Let's stay on
20 the story. He subsequently lost interest in it, and the matter
21 died.

22 Q Did you advise Mr. Carto as to whether or not he should
23 publish a retraction of your original story?

24 A I said he should not. I suggested he not publish a
25 retraction.

1 Q Did you make any notes after you were contacted by Mr.
2 Carto and you began your second investigation of the story
3 after Mr. Rubin's complaint about it on behalf of the Plaintiff
4 in this case?
5 A Yes, I did.
6 Q What year did you make those notes?
7 A In 1978.
8 Q Do you still have any of those notes?
9 A Yes, I do.
10 Q May I see them, please?
11 A Yes.
12 Q These notes are now marked Defendant's Exhibit EE for
13 identification. They are comprised of four sheets handwritten
14 material on legal size stationery, pad paper, is that correct?
15 A Yes, that is correct.
16 Q Were you here when the opening statements were made in this
17 case?
18 A Yes, I was.
19 Q Did you hear Mr. Snyder say that you had taken notes, which
20 you preserved, regarding your preparation for the writing of
21 the story?
22 A Yes, I heard him.
23 Q Is that true?
24 A No, it is not.
25 Q Is it true that you did take notes for the investigation

1 after the complaint by Mr. Rubin on behalf of Mr. Hunt?

2 A Yes.

3 Q Is that that what Defendant's Exhibit EE is?

4 A That's right.

5 Q Have you previously made copies of this available to Mr.
6 Snyder and Mr. Dunnell on behalf of Mr. Hunt?

7 A Yes, I have.

8 Q Did you explain under oath what these notes were all about?

9 A Yes, I did.

10 Q If you like, do you recall anything else that you did in
11 terms of the re-investigation, and if you do not I think with
12 the Court's permission you may be permitted to look at your
13 notes to refresh your recollection, does he have the Court's
14 permission.

15 THE COURT: Yes, sir. If he does not have a present
16 recollection.

17 BY MR. LANE:

18 A Yes. One point here I met with Doctor Corson. He claimed
19 that he had discussed the matter with James Angleton, who was
20 the former chief of counter intelligence in the CIA. And that
21 it was from he had gotten the story from Angleton, he said that
22 Angleton said he wrote the memo, gave the date, seven January
23 '76, and it was from him to helpful himself.

24 And besides wondering about Hunt's presence in Dallas,
25 is on that faithful day. The memo Angleton wrote in the memo

1 Hunt was not involved in any sort of an operation for him, and
2 asked if he was doing something for the director.

3 He said the director, who was then Richard Helms, sent
4 the memo down to the Deputy Director for Plans, who was
5 Fitzgerald and he is now dead, where it was initialed by one of
6 his aides Sammy Halpern.

7 Corson said Angleton seemed to be very worried about
8 the fact that he completed the memo, and said something about
9 the CIA had aided in Hunt's Chinese cover story. I think that
10 is all that applied to what Doctor Corson kind of information
11 he was giving me.

12 Q Do you know that Mr. Doctor Corson or Mr. Corson was
13 deposed in this case?

14 A Yes, I do.

15 Q He said that he never gave you that information, do you
16 know that?

17 A Yes, I do.

18 Q Does that surprise you that he said that?

19 A No, not really.

20 Q Why?

21 A Well, from one thing Doctor Corson is a professional
22 intelligence officer of the old school, and I think he would
23 just out of -- I would expect just out of habit to deny being
24 the source of anything.

25 Secondly, he has a responsibility as a Pent House

1 Representative to any other writers. He may be dealing with
2 any other sources of information he has to protect them.

3 Wouldn't be very good for him if the word got around that he
4 was telling people what other people were telling him, other
5 writers or were telling him or so on. Or you no fingering
6 people like James Angleton as the source of the memo and so on.

7 Q Do you know whether or not Mr. Corson also was meeting with
8 Mr. Trento during this period?

9 A No.

10 MR. SNYDER: Objection as to relevance.

11 THE COURT: Overruled. If you know.

12 THE WITNESS: I knew he had met with Mr. Trento on a
13 few occasions. He showed me an office, very nice suite, one
14 office.

15 BY MR. LANE:

16 Q Who showed you that office?

17 A Doctor Corson.

18 MR. SNYDER: Objection. He is answering a different
19 question, Judge.

20 MR. LANE: I don't know that.

21 THE COURT: Overruled. Go ahead.

22 THE WITNESS: He said this is --

23 THE COURT: Be responsive to the question.

24 THE WITNESS: I am sir.

25 BY MR. LANE:

1 A This is the office Joe Trento uses when he comes into town,
2 and he is doing work for various stories, but I didn't know who
3 Joe Trento was at the time.

4 Q When did you met Joe Trento, if you recall?

5 A I think it must have been probably in 1979.

6 Q After the story was published in 1978?

7 A Well, after --

8 Q Did you ever talk to Mr. Trento about any of the facts in
9 the Spotlight article prior to the time that you published it?

10 A I did not.

11 Q Did you send a copy of the spotlight article to Mr. Trento?

12 A I did not even know Mr. Trento, no.

13 Q Have you read the Wilmington, Delaware piece written by Mr.
14 Trento and Jackie Powers?

15 A Yes, I have.

16 Q Have you compared that with the article that you wrote for
17 Spotlight?

18 A I have.

19 Q Is there information in the Trento piece in the Wilmington,
20 Delaware that is about the memorandum that does not appear in
21 the Spotlight piece?

22 A Yes.

23 Q What information, if you recall?

24 A The information that it was a memo from Angleton to Helms?

25 A I would have to read the Trento piece.

1 Q I am going to show you Defendant's Exhibit 2 in evidence,
2 which is the Trento to Powers piece. You have the Spotlight
3 piece, and ask you to look at them both and ask you if you can
4 see what is present in Mr. Trento's published in their story
5 which was not present at the Spotlight.

6 A You mean the way he phrased things?

7 Q Any matter of substance.

8 A I think the part where he says agency officials plotted to
9 cover up Hunt's presence. There is a difference. That Hunt
10 thought he was assigned to murder Harvey Oswald is not in the
11 Spotlight piece. The information that Helms and Angleton were
12 involved in this memorandum.

13 Q Do the names him Helms or Angleton appear in the Spotlight
14 piece that was published in August of '78?

15 A No, they do not. That helpful himself thought that
16 would -- this would be damaging to the agency. --

17 Q Does your reading from the Wilmington, Delaware New
18 Journal?

19 A Yes.

20 Q Does that appear in the Spotlight article?

21 A No. That Helms if this -- that Helms and Angleton from --
22 they felt the cover story giving that a cover story had to be
23 given to Hunt an alibi for that date ought to be considered
24 that is in quotes.

25 Q Does that purport to be a quote from the memorandum?

1 A Yes.

2 Q Any purported quotes from the memorandum in your article?

3 A No, there were not.

4 A I think that is most of it. There is some other passing
5 things.

6 Q Those then are most of the statements that appear in the
7 Trento-Powers piece that do not appear in the piece written by
8 you, which was published a few days before regarding the
9 memorandum?

10 A Yes.

11 Q I ask you to go to the Trento-Powers piece again and see if
12 there are dates in there published by Mr. Hunt in reference to
13 anything not just the memorandum not in the Spotlight article?

14 MR. SNYDER: I object.

15 THE COURT: Grounds.

16 MR. SNYDER: Its just be offered for the limited
17 purpose to show it was made.

18 THE COURT: I believe this is a Plaintiff's Exhibit
19 you are talking about.

20 MR. LANE: Yes.

21 MR. DONNELL: Your Honor, Mr. Snyder was speaking to
22 the Trento-Powers piece that was only offered for the limited
23 purpose of showing there were certain things in the memorandum
24 that were in the other article. Now, he is asking a question
25 about everything else in the article.

1 MR. LANE: There Mr. Hunt --

2 THE COURT: Objection overruled.

3 BY MR. LANE:

4 Q Would you go through it, Mr. Marchetti, and pick out
5 everything in the Trento-Powers piece that you did not write
6 which is different from the Spotlight piece which you did write
7 regarding Mr. Hunt other than the memorandum, anything else?

8 A The first paragraph that Hunt was in Dallas, and the agency
9 officials plotted to cover up his presence there.

10 Q What else?

11 A Some CIA sources speculate Hunt thought he was assigned by
12 higher ups to arrange the murder of Harvey Oswald.

13 Q You are reading from the Delaware Wilmington News Journal?

14 A I am reading those portions that do not appear in the
15 spotlight article that is here. The reference that Mr. Hunt
16 was acting chief of station in Mexico weeks prior to the
17 Kennedy assassination.

18 Q Did you say that in spotlight?

19 A No. That he met with two KGB agents there, immediately
20 before leaving for Dallas.

21 Q What is the KGB?

22 A Soviet Secret Intelligence Service.

23 Q Did you make that allegation in the spotlight?

24 A No.

25 Q Please proceed.

1 A That he contacted Hunt and that Hunt denied he was in
2 Dallas, and that --

3 Q Who made that statement?

4 A It is a statement by Trento. Then he says he quotes, "Mr.
5 Hunt as saying I have plenty of witnesses." I took off at noon
6 went shopping, had Chinese dinner downtown with my wife.

7 Q Chinese dinner?

8 A Yes. He says Hunt said he knew of no reason for such a
9 memo to exist. He never and that he had never heard of such a
10 memorandum. He says the CIA sources have provided the memo to
11 the house committee, and that a cover story was concocted as a
12 result of the memo. They say all Hunt's witness CIA arranged,
13 and that his wife could not be questioned because she was
14 killed in a plane crash.

15 Q Who said all of Mr. Hunt's witnesses are CIA arranged?

16 A Mr. Trento attributing it to CIA sources.

17 Q Is that in your story?

18 A No, it is not. He says Cleveland Kram (pho) a former CIA
19 station chief had been called out of retirement to
20 investigation Hamilton and Helms role in another matter.

21 Q Does the name Cleveland Kram appear in your Spotlight
22 article?

23 A It does not.

24 Q Does that incident refer to which you just read by Trento
25 and powers does it appear in Spotlight? Would you tell any

1 names appear at all in Spotlight?

2 A No. * Hunt makes reference for Mr. Hunt's appearance on the
3 scene in Dallas, in Mexico City, and the crucial dates. It
4 adds strength to the theory charged by some internal CIA
5 investigators.

6 Q Does that statement appear in your article in spotlight?

7 A No. Then it goes on to discuss the fact that Oswald was
8 working for you the intelligence.

9 Q Does that statement appear in your article?

10 A No. It gets into the whole Oswald U.S. intelligence KGB
11 thing, none of which is in the Spotlight article. He says the
12 same investigators theorise Hunt was in Dallas that day on
13 other from a high level CIA official who was really a KGB mold.

14 Q Does that appear in your article?

15 A No. Hunt allegedly thought he was to arrange the murder of
16 Oswald, because he had turned traitor, and actually he was to
17 kill Oswald to prevent him from ever testifying and revealing
18 to the Russians that the Russians ordered him to kill Kennedy.

19 Q Does that appear in the Spotlight article?

20 A No. He says that makes a reference that Hunt was alleged
21 to have concocted schemes including one to assassinate Jack
22 Anderson.

23 Q Does that appear in your article in spotlight?

24 A No, it does not. I think that covers it.

25 Q In reading your article and in reading the Trento-Powers

1 article, does it seem possible to you that the Trento-Powers
2 article was derived from your article?

3 A Absolutely not. I did not have that information.

4 Q I am showing you Defendant's Exhibit 2 in evidence, which
5 is the Associate Press article published on August 21 and
6 August 22nd both dates appear 1978 and ask you to read that to
7 yourself.

8 Is it clear to you, Mr. Marchetti, the source for that
9 article?

10 A Yes, on it says right here Wilmington, Delaware News
11 Journal reported Sunday second right CIA memo by Hunt, expands
12 on the memo.

13 Q Is there any reference to spotlight in that AP Dispatch?

14 A No, there is not.

15 Q I show you the Defendant's Exhibit CC, which is an article
16 which appeared in the Dallas Morning News, on August 22nd, 1978
17 written by Earl Dullus I ask you to look at that.

18 Is it clear to you from reading the Dallas Morning
19 News article of August 22nd, 1978, what the source is for that
20 article?

21 A Yes.

22 Q What is the source?

23 A The Trento Sun News piece.

24 Q Is there any indication or reference in that article that
25 Spotlight was the source?

1 A No, there is not.

2 Q I show you Defendant's Exhibit FF for identification, and
3 ask you if you can tell us what this is.

4 A It is a page from the Houston Chronicle, Tuesday, August
5 22nd, 1978.

6 Q Houston Chronicle?

7 A Yes.

8 Q Is there a reference there? There is a story there which
9 came out of the Dallas Associated Press Office?

10 A Yes.

11 Q Is there a reference to the memoranda?

12 A It is in reference to, yes, a memorandum, and director
13 Stansfield Turner's comments.

14 Q Is there any question in your mind as to the source for
15 that article as published in the Houston Chronicle?

16 A No, they identify it as the Wilmington New Journal.

17 Q Is there any reference to Spotlight?

18 A No.

19 Q I offer it for that limited purpose, Your Honor.

20 MR. SNYDER: Fine.

21 THE COURT: Again, Ladies and Gentlemen, this is being
22 offered to stipulate with the limited condition that it is
23 received. Everyone understand? Received it as a defendant's
24 exhibit.

25 MR. LANE: There is other material on the page, no

1 relationship to any of the issues in this case.

2 MR. SNYDER: It is no problem.

3 BY MR. LANE: -- --

4 Q I show you you Defendant's Exhibit GG for identification
5 and ask you if you can identify that?

6 A Washington Post article page, Washington Post Sunday,
7 November 5th, 1978.

8 Q Is there a story there which makes reference to the CIA
9 memorandum?

10 A Yes.

11 Q Does it appear Mr. Hunt had a press conference that is
12 being reported upon?

13 A It does.

14 Q Does the story state the source of the information which
15 Mr. Hunt has been confronted with regarding the CIA memorandum?

16 A Yes.

17 Q What is the source listed?

18 A The Sunday News Journal of Wilmington.

19 Q Any reference to spotlight in that article?

20 A There is not.

21 MR. LANE: I offer this for the same limited purpose.

22 THE COURT: Any objection?

23 MR. SNYDER: Your Honor, we ask --

24 MR. DONNELL: We ask that paragraph be read inasmuch
25 as it said two papers not the Wilmington News Journal.

1 THE COURT: I will publish it, and the jury could read
2 that any objection on the limited basis.

3 MR. DONNELL: No objection, Your Honor.

4 THE COURT: Limited on the limited basis. I
5 previously announce to you you may publish it to the jury.

6 MR. LANE: Any objection to the other material on the
7 page.

8 MR. DONNELL: No objection.

9 MR. LANE: I have no further questions.

10 THE COURT: Cross examination. At eight fifteen.

11 CROSS EXAMINATION

12 BY MR. SNYDER:

13 Q Mr. Marchetti, when you joined the Central Intelligence
14 Agency you signed a secrecy agreement, did you not?

15 A I did.

16 Q In that respect, you are no different from anybody else who
17 works for the CIA, everybody has to sign one, is that right?

18 A Yes.

19 Q You said on your direct testimony you could not reveal
20 anything "harmful to the United States", is that correct?

21 A To the United States National Security, yes.

22 Q Actually your agreement is a little bit more specific than
23 that, is it not, Mr. Marchetti, is it not? Two parts that you
24 can't reveal No. 1 any classified information relating to
25 intelligence activities, and No. 2, any classified information

1 concerning intelligence sources and methods, isn't that what
2 you were agreeing to do?

3 A I don't know what you are reading from. Are you reading
4 from a 1955 type secrecy agreement?

5 Q From an injunction entered against you in the United States
6 District Court for the Eastern District of Virginia, does that
7 refresh your recollection?

8 A Yes, that is based on the appellate decision that says I
9 have but anything that is unclassified or anything, and I
10 inquired after leaving the agency or anything put in the public
11 domain. I have as much as access to it as any other American
12 and I have a right to my opinion.

13 Q You have a right to your opinion?

14 A And access to information after leaving the agency before
15 entering the agency and anything that has been subsequently
16 declassified.

17 Q You can shout from the house toppings you dislike the CIA,
18 can't you?

19 A Yes.

20 Q You can say you are disgusted with the CIA?

21 A I can.

22 Q What you can't do is to reveal classified information
23 relating to intelligence activities, that is critical, right?

24 A If it is still classified, yes, and if I learned it while I
25 was on duty in the CIA.

1 Q And you can't reveal any classified information concerning
2 intelligence sources and methods, can you?
3 A Correct. -- --
4 Q You broke that agreement, did you not?
5 A In what way?
6 Q Did there come a time when the agency decided that you had
7 and took legal action against you?
8 A That is what they said in court.
9 Q They did they filed a lawsuit, did they not?
10 A They did.
11 Q And the CIA can't issue injunctions can they? Only courts
12 can, isn't that right.
13 A That is correct.
14 Q The judicial branch of the Government not the Executive
15 Branch?
16 A That's right, the Justice Department was acting for the
17 CIA.
18 Q The CIA had you go into a Court like this Court, and prove
19 that you disseminated classified information relating to
20 intelligence sources and methods, didn't they?
21 A Yes.
22 Q And they won, did they not?
23 A They won.
24 Q You had some more litigation with them, did you not?
25 A Yes, I did.

1 Q And you even went all the way up to the Supreme Court?

2 A Both times.

3 Q And the Supreme Court wouldn't hear your case, would it?

4 MR. LANE: I object to that, Your Honor. When the
5 Supreme Court took cert. in the case hardly seems related to
6 the issue here.

7 THE COURT: Objection sustained.

8 BY MR. SNYDER:

9 Q You testified that you were not in any warfare with the
10 CIA, did you not?

11 A I did.

12 Q That statement is not right, is it not?

13 A I think it is.

14 Q Were you not furious with the agency for taking you to
15 Court?

16 A I was quite annoyed with them at one point, yes.

17 Q Were you not outraged by what the Courts did in up holding
18 the CIA?

19 A Yes, I was very disappointed.

20 Q Were you not outraged is my question?

21 A I probably was at the moment, yes.

22 Q Let me read you from your book. I will let you read it.

23 MR. LANE: It is appropriate to show it to counsel.

24 MR. SNYDER: I will be glad to.

25 MR. LANE: Thank you. What page? Fine. We would

1 like to have that read and published to the jury as well.

2 MR. SNYDER: Would you read please the first full
3 paragraph in authors prefer his little Roman numeral XIII.

4 MR. LANE: Which paragraph?

5 MR. SNYDER: The first full paragraph.

6 MR. LANE: We think the second paragraph is required
7 under Rule 106.

8 THE COURT: Read the first one then I will take a look
9 at it and decide for myself.

10 MR. LANE: We ask the second paragraph be read as
11 well.

12 THE COURT: Any objection, Counsel?

13 BY MR. SNYDER:

14 Q You were outraged not only at the agency but the United
15 States District Court, were you not?

16 A In February of 1974, yes.

17 Q And the U. S. Court of appeals?

18 A I take that back. I was not outraged at the United States
19 District Court. I was outraged at the Court of Appeals.

20 Q We talked about the Rockefeller Commission report. Have
21 you ever heard the name Alan J. Webberman?

22 A I have.

23 Q Are you familiar with Webberman's book Coup d'etat in
24 America?

25 A I have glanced at it.

1 Q Weberman takes the position Mr. Hunt was one of the tramps
2 in Dealy Plaza in Dallas, Texas, does he not?

3 A Yes, he does. _ _

4 Q Do you believe that?

5 A No.

6 Q You testified before the Rockefeller commission, did you
7 not?

8 A Yes, I did.

9 Q What was there conclusion on whether Mr. Hunt was one of
10 the tramps?

11 A I think that they said it was false. I was not testifying
12 on that point by the way.

13 MR. LANE: I object to the question as irrelevant. He
14 said he discuss not believe it is true.

15 THE COURT: Overruled.

16 MR. SNYDER: Let me read from it.

17 MR. LANE: I object to this, Your Honor. It is in
18 evidence. It has been discussed; it has been published to the
19 jury.

20 THE COURT: Overruled.

21 MR. LANE: It is on a question he has not written on.

22 THE COURT: Overruled.

23 BY MR. SNYDER:

24 Q The tramps of the derelicts in Dallas have been compared
25 with numerous known tramps of Hunt and Sturgis taken both

1 before and after November 22, 1963.

2 Even to non-experts, it appeared there was at best
3 only a superficial resemblance between the Dallas so-called
4 derelicts and Hunt and Sturgis:

5 The quote derelicts allegedly resembling Hunt appear
6 to be substantially older and smaller than Hunt." The derelict
7 allegedly resembling Sturgis appear to be thinner and hair
8 markedly different than those of Sturgis. Now, you testified I
9 believe the Rockefeller commission was engaged in a limited
10 hang out, is that correct?

11 A Yes, overall coverage.

12 Q I think when in one of your depositions you called it a
13 white wash.

14 A Same thing.

15 Q Same thing?

16 A More or less.

17 Q Let me read you the names of the commissioners.

18 MR. LANE: I object to this, Your Honor. The document
19 speaks for itself. We went through the names already.

20 MR. SNYDER: No, we have not.

21 THE COURT: What is the purpose of this?

22 MR. SNYDER: I would like to ask him if these
23 gentlemen are limited in a limited hang out.

24 MR. LANE: He answered.

25 THE COURT: Overruled. Go ahead.

1 BY MR. SNYDER:

2 Q Vice-president Nelson A. Rockefeller, Chairman John D.
3 Connor, C. Douglas Dillion; Irvin Griswald, Lane Kirkland,
4 Lyman Leminzer (pho), Ronald Reagan, Edward Shannon, Jr. Your
5 testimony is that all those people conspired to lie to the
6 American people, is that correct?

7 MR. LANE: That is not his testimony. It is unfair to
8 so characterize. I ask that the question be stricken from the
9 record.

10 THE COURT: Rephrase your question. Objection
11 sustained.

12 BY MR. SNYDER:

13 Q Is it your testimony that those commissioners engaged in
14 lying that is limited hang out to the American public?

15 A Knowingly or otherwise unknowingly, willingly or
16 unwillingly lie, yes.

17 Q Do you happen to know whether or not they conducted any
18 tests on the photos of the tramps supposed to be in Dealy
19 Plaza?

20 A I have no idea. I imagine so.

21 Q In fact, didn't they sent them to the FBI Lab?

22 MR. LANE: He said he does not know. Now, he is
23 asking specifics.

24 THE WITNESS: I don't know.

25 THE COURT: He said he does not know.

1 MR. SNYDER: What did the report conclude with
2 respect to any CIA involvement in the Kennedy assassination?

3 MR. LANE: I object to the question, Your Honor.

4 THE COURT: Grounds. ;

5 MR. LANE: Report speaks for itself. It is not a
6 guessing game.

7 THE COURT: Overruled on the grounds stated.

8 BY MR. SNYDER:

9 A I think that they concluded that I guess that I have not
10 read the report in a long long time. I only read portions of
11 it at the time. Do you want me to read me the conclusions?

12 Q Are you an in doubt about the conclusion?

13 A I am not sure what your driving at. You are talking about
14 the Kennedy assassination.

15 Q That's right?

16 A They said that I believe they said Oswald acted alone. And
17 that there was no involvement of any United States Government
18 Agency.

19 Q Not only any United States Government Agency but the CIA in
20 particular, is that correct?

21 A I will take your word for it.

22 MR. LANE: Mr. Snyder filled in the answer it is not a
23 question it is a statement.

24 THE COURT: Overruled. Do you understand the
25 question, sir? Do you want it rephrased.

1 THE WITNESS: Yes, please.

2 THE COURT: Rephrase your question.

3 BY MR. SNYDER: _ _

4 A Or repeat it I just forgot it.

5 Q The Rockefeller commission concluded that you not only had
6 the United States Government in general but the CIA in
7 particular had nothing to do with the Kennedy killing, didn't
8 they?

9 A I assume that they did, yes.

10 Q Not only the CIA in general but Howard Hunt, is that true?

11 A I believe so, yes.

12 Q One of your sources for the Spotlight article was Alan
13 Weberman, was it not?

14 A Yes.

15 Q The other source was Bill Corson, the Penthouse man?

16 A Sources on different areas.

17 MR. LANE: I object to the question. Assumption,
18 facts contrary to those in evidence. The answer one source
19 then he said the other source. Mr. Marchetti said there were
20 several sources.

21 THE COURT: Overruled.

22 BY MR. SNYDER:

23 Q Do you have the Spotlight article in front of you?

24 A Yes, I do.

25 Q Take a look at the first paragraph?

1 A Yes.

2 Q Who was your source for that?

3 A Doctor Corson.

4 Q Anybody else?

5 A No.

6 Q Do you know that William Corson was deposed in this case on

7 September 21, 1984?

8 A Yes.

9 Q Did you know Mr. Corson denied that he was your source for

10 that first paragraph?

11 A I do.

12 Q Do you have your notes in front of you called the Hunt

13 memo?

14 A Yes.

15 Q Which we have marked as Plaintiff's Exhibit No. 28 for

16 identification.

17 Q Do you have them in front of you?

18 A It doesn't say Defendant's Exhibit.

19 Q We have also marked it as a Plaintiff's Exhibit.

20 Your third paragraph says, "Meanwhile VM, asked BC to

21 check out memo, with his sources on committee and in

22 intelligence circles, no solid confirmation, but he felt AJ's

23 information was accurate."

24 A Yes.

25 Q BC is Bill Corson?

1 A Yes.

2 Q VM is you Victor Marchetti?

3 A Yes.

4 Q AJ is Alan J. Weberman.

5 A That is correct.

6 Q And you asked Corson to check out the memo with his sourcea

7 on the committee.

8 A That is correct.

9 Q And he told you there was no solid confirmation, did he

10 not, according to you?

11 A Yes.

12 Q But that he felt AJ's information was accurate, is that

13 correct?

14 A Yes.

15 Q I am showing you a transcript -- excuse me. Are you

16 continuing your answer?

17 A Yes.

18 Q There is no question.

19 A Yes, there is. I have not finished answering. That

20 portion of these notes are prior to the writing and publishing

21 of the article. First three paragraphs. That was the first

22 time I talked to Corson and asked him if he had heard anything

23 about this strange memo, and that the first time he said he

24 didn't have any solid confirmation, but he felt AJ's

25 information was accurate, and subsequent to visit with him he

1 told me about it, and that was when the article was written.
2 These are notes made some time afterwards when I was trying to
3 recollect what was going on several weeks after.

4 Q Thank you for that clarification.

5 I will hand you what is Mr. Corson's exhibits of
6 September 21, 1984, Page 9, and ask you to read lines three
7 through five.

8 MR. LANE: Is that to himself?

9 BY MR. SNYDER:

10 Q. Read it out loud.

11 A "Question: Did you have any sources in the house" -- I am
12 sorry. "Question: Did you have any sources in the house of
13 assassination committee?" "Answer: None whatsoever."

14 Q Thank you.

15 Mr. Corson was shown your notes, Mr. Marchetti, and
16 asked this question regarding that paragraph that we have just
17 read.

18 "Question: Meanwhile Victor Marchetti asked Bill
19 Corson to check out the memo with his sources on the committee
20 and intelligent circling, no solid confirmation, but he felt
21 Alan J. Weberman's information was accurate. And then the
22 question to Mr. Corson was.

23 MR. LANE: May we have the page.

24 MR. SNYDER: Page 8.

25 BY MR. SNYDER:

1 Q Did Mr. Marchetti ask you to check out the memo with
2 sources of yours on the house assassination committee. His
3 answer was, "I have no recollection of that ever being asked me
4 by Mr. Marchetti."

5 A He says we all do at times. I have a good recollection of
6 having asked him that.

7 Q Of course, his next question and answer is: "Did you have
8 any sources on the house assassination committee? "Answer:
9 None whatsoever."

10 MR. LANE: That first that was read by the witness and
11 now by the attorney. I think once is enough in a five minute
12 period.

13 THE COURT: I think that is reasonable.

14 Q Is he lying or are you?

15 A I think he is. I think he has forgotten.

16 Let's put it this way. He is -- they are lying or he has
17 forgotten that he told me he had sources on the committee.

18 Q Later in your notes this is paragraph six of his notes on
19 the front page, twenty-four August, very many meetings with BC,
20 who says he discussed the matter with JA, and that JA said a
21 memo was written seven January 1966, from him to helpful
22 himself. Later in that paragraph, "BC said JA seemed very
23 worried about the fact that committee had memo."

24 Now, did Mr. Corson tell you he had talked over the
25 memorandum so-called with Mr. Angelton?

1 A He gave me that impression, yes.

2 Q On Page 7 of Mr. Corson's deposition this question was
3 asked and this answer was given. "Question: Did you ever tell
4 Marchetti that you had discussed those matters with Mr.
5 Angleton? "Answer: Not at all. I never told Mr. Marchetti
6 that I had discussed it nor did I discuss it with Mr.
7 Angleton." Okay. Now, is he lying or are you?

8 A With the point that refers to me he is either lying or he
9 has forgotten it.

10 Q You never have seen the so called CIA memorandum in your
11 life, have you?

12 A I never claimed that I did.

13 Q You have not seen it before you published the Spotlight
14 article and you have not seen it today, have you?

15 A I just said I never have seen it. I never claimed to have
16 seen it.

17 Q Yet you publish the story saying it exists.

18 MR. LANE: I object to the question. It is
19 argumentative.

20 THE COURT: Objection to the question is sustained.

21 BY MR. SNYDER:

22 Q Did you say in your article that the memorandum had been
23 turned over to the house select committee on assassination?

24 A Yes, I did.

25 Q Who was it that told you that?

1 A I guess it was -- I think that came from Weberman, yes, I
2 think that came from AJ Weberman.

3 Q Back on the front page of your notes Paragraph 3, you said
4 Mr. Corson felt that AJ that is A.J. Weberman's information was
5 accurate?

6 A Yes.

7 Q I am quoting from Mr. Corson's deposition, Page 9, line
8 question six. "Question: Did you ever report to Mr. Marchetti
9 that you felt, Alan J. Weberman's information was accurate?
10 "Answer: I don't know what Alan J. Weberman's information was,
11 but no.

12 "I made no comments relative to Alan J. Weberman,
13 anything he may have said. "Question, have you ever met with
14 Mr. Weberman? "No. This means that his memory is faulty.

15 MR. LANE: There is no reference in there to the fact
16 that that Mr. Corson might have met with Mr. Weberman. The
17 question is to Mr. Marchetti dealing something to Mr. Corson
18 and saying this is AJ's information. There is no evidence
19 referred that he met with those two gentlemen.

20 THE COURT: Overruled. Do you understand the
21 question?

22 THE WITNESS: On --

23 MR. SNYDER: On Page 2 of your notes.

24 THE COURT: Do you want an answer to the question?

25 THE WITNESS: Could you repeat the question.

1 BY MR. SNYDER:

2 Q Page 2 of your notes, you say meanwhile AJ story takes some
3 strange twists and turns. This is one of your two primary
4 sources, is it not, for this article in the Spotlight magazine.

5 MR. LANE: He keeps saying two, but the witness never
6 said two. I object to that before and now. He is doing it
7 again.

8 THE COURT: Overruled. Go ahead.

9 BY MR. SNYDER:

10 A There are different sources for different portions.

11 Q Your source on the memo going to the committee was AJ, was
12 it not?

13 A The original source, subsequently corroborated by doctor
14 Corson.

15 Q Now denies it?

16 A Now denies it.

17 Q AJ is starting to twist and turn, is he not, because AJ's
18 story takes some strange turns and twists and turns.

19 MR. LANE: I object to that characterization he
20 starts to twist and turn.

21 THE COURT: That's your phraseology.

22 MR. SNYDER: It is Mr. Marchetti's.

23 MR. LANE: Where?

24 THE COURT: Are you asking if he made this statement?

25 MR. SNYDER: Yes.

1 MR. LANE: He is saying now AJ is beginning to twist
2 and turn. He is trying to take a statement from Mr. Marchetti
3 in the Spotlight about another matter.

4 THE WITNESS: You are quoting incorrectly, too.

5 THE COURT: Overruled. Go ahead.

6 THE WITNESS: May I quote correctly.

7 THE COURT: Yes.

8 THE WITNESS: Memorandum AJ story takes some strange
9 twists and turns.

10 BY MR. SNYDER:

11 Q You prepared this memorandum, this entire thing, did you
12 not, to decide whether or not to give Mr. Hunt a retraction?

13 A What memorandum?

14 Q The notes you are reading from?

15 A On these notes?

16 A That was one main consideration, yes, but not the sole
17 consideration.

18 Q You are trying to advise Mr. Corson to whether to retract
19 or not retract?

20 A That is right.

21 Q On Page 4 of your memorandum you refer to AJ's significant
22 story, do you not?

23 MR. LANE: When he says memorandum is he referring to
24 these notes?

25 MR. SNYDER: "Mr. Marchetti's memorandum, his notes?"

1 BY MR. SNYDER:

2 A Page 4.

3 Q The last page? -

4 A I am sorry, I don't see it!

5 Q You have one, two, three, four, five, under No. 2 you have
6 Turner's denial and AJ's zig-zag story, do you not?

7 A What page are you on?

8 MR. LANE: Maybe we have different sets of papers. I
9 don't have that either?

10 THE WITNESS: You mean Page 3.

11 MR. LANE: You said four that is why we couldn't find
12 it.

13 BY MR. SNYDER:

14 Q Mr. Weberman's story was starting to zig-zag?

15 A Yes.

16 Q Admiral Turner denied the existence of such a memorandum?

17 A Yes. Admiral Turner said he had not talked to Helms or
18 anybody else. You have to remember these are notes. Every one
19 of these little things was based on a much more information.
20 These are short hand typed notes.

21 It is not the full complete reasoning that was
22 going on. You are taking them all out of order so you can't
23 get the feel for the sequence.

24 Q You talked about Weberman zig-zagging and twisting and
25 turning, is that correct or not?

1 A His the story he told me was taking some twist, strange
2 twists and turns.

3 Q How was it taking strange twists or turns?

4 A Primarily I think he had first told me that he had gotten
5 the information from a fellow named phone see who was one of
6 the investigators on the house staff.

7 Later on after I followed up on this with Corson
8 and some other reporters and had written the story and
9 everything, and I was in and out checking it out. He started
10 saying things like that Lopez was his source, and had seen the
11 memo with his own eyes.

12 Q Are you finished with your answer?

13 A No, well then in further conversation he says that now
14 Lopez' denying that he actually seen it with his own eyes. And
15 then he tells me that Phonzie and Lopez were reprimanded for
16 leaking false information.

17 I believe he also made the statement this might
18 have come from AJ too that stokes was denying knowledge of the
19 memo. His story was beginning to come up stuck in the
20 beginning.

21 Q You based your allegation in the Spotlight article that the
22 house committed a memorandum because of Alan J. Webberman?

23 A No, you have it wrong. You seem have to difficulty
24 following me.

25 Q Alan Webberman based on Mr. Phonzie and Lopez that. Is that

1 right?

2 A I don't care who he based it on. I am trying to answer
3 your question. The original lead was based on something that
4 AJ told me about a memo.

5 Subsequently, I went and asked some friends who
6 are journalist in Washington. I found two very good reporters
7 who were following up on the story that they had heard similar
8 rumors. I then talked with Doctor Corson, and asked him to
9 check into this story.

10 Subsequently, he told me that a memo existed there
11 and a meeting in the CIA and so on and so forth. And that was
12 how that part of the story came to be written.

13 Q Now, he denies that, does he not?

14 A Who?

15 Q Mr. Corson.

16 A Yes.

17 MR. LANE: That must be the eighth time we heard Mr.
18 Corson denies it. We will stipulate that he denies it. I
19 raised it first. It is in the deposition. I just think we
20 don't have time to hear it ten more times.

21 THE COURT: Overruled. Go ahead.

22 BY MR. SNYDER:

23 Q You were deposed several times in this case, were you not?

24 A No.

25 Q Twice?

1 A I was deposed once in this case.

2 Q You were deposed in the case of Howard Hunt Vs. Weberman?

3 A Yes, I was. -- --

4 Q In your deposition this is in 1978, you declined to
5 identify any of your sources for the article, did you not,
6 citing a newsman's privilege.

7 MR. LANE: May I have the page?

8 MR. SNYDER: Yes.

9 MR. SNYDER: Lots have them.

10 BY MR. SNYDER:

11 Q Page 56 of your deposition in that of your testimony in
12 that deposition Mr. Rubin asked you question now get together
13 Page 5 of the article opposite the picture of Frank Sturgis,
14 "Chief among those to be exposed by the new investigation will
15 be E. Howard Hunt of Watergate fam.

16 Is is that statement serculation, journalistic
17 judgement or from sources and your attorney says will claim
18 privilege with respect to that question, do you recall that?

19 A Yes, I do, but I am a little curious, sir. You asked me
20 the same questions in the deposition taken in this case, and
21 that time I did not take journalistic priviledge, took that on
22 the advice of counsel in the Weberman case, in the Liberty
23 Lobby case. I answered all your questions.

24 Q The first time in '78 when you were deposed about the same
25 article in the Weberman case?

1 A Yes.

2 Q You said I won't tell you?

3 A That's right.--

4 Q And then when I took your deposition last year, you said I
5 will tell you who my sources are and here they are, is that
6 right?

7 A Absolutely.

8 Q You testified I believe that this Spotlight article
9 represents speculation on your part and prediction, is that
10 correct?

11 A Yes.

12 MR. LANE: I object.

13 THE COURT: Overruled.

14 BY MR. SNYDER:

15 A Speculation.

16 Q Speculation was your word.

17 A Yes, it was predictive speculation type article.

18 Q When you heard about the so-called CIA cover-up of their
19 involvement in the Kennedy assassination, you said at one point
20 someone will be sacrificed, did you not?

21 A Yes. I did.

22 Q Later when you published the article you said it would be
23 Mr. Hunt, did you not?

24 A Yes.

25 Q One of your sources must have told you first it would be

1 somebody, and then somebody else told you later it would be Mr.
2 Hunt, is that correct?

3 A Yes, it is. -- --

4 Q Do you have any reason to think Mr. Hunt was involved in
5 the Kennedy killing?

6 A No, I do not. I have no direct evidence, and the reason
7 for this is this is what Corson told me. I am glad you brought
8 up that deposition down there.

9 One of the reasons I thought there might be
10 something to this whole story and stuck with it is that when I
11 went into that deposition my lawyer told me when he was from
12 the ACLU on the advise of the CIA General Counsel. I was not
13 to answer any case questions, and I answered there is a as
14 strange think why not evidently they hate Hunt more than they
15 hate you.

16 Q Mr. Corson denies being a source for any part of the
17 Spotlight article, does he not?

18 A I believe so, yes.

19 Q He was asked at his deposition my general question to you
20 is: "Do you regard yourself as a source for that article?

21 "Answer No."

22 MR. LANE: May I have the agreement. We always get a
23 page citation before this reading.

24 MR. SNYDER: Page 79 and 80?

25 BY MR. SNYDER:

1 Q Mr. Corson, one of your prime sources for the article,
2 denies meeting with you on August 24th, 1978?
3 A Is that a question?
4 Q Yes.
5 A Yes.
6 Q He denies he has any sources on the house select committee
7 on assassinations?
8 A Yes.
9 Q He denies that you ever asked him to check out the
10 existence of any CIA memo?
11 A Yes.
12 Q He denies telling you that Alan Weberman's version was
13 accurate?
14 A Yes.
15 Q He denies ever talking about the memo to Jim Angleton?
16 A Yes.
17 Q And he denies ever having met with Alan J. Weberman?
18 A I guess so. I don't care if he ever met with Weberman,
19 yes, I guess.
20 Q You never saw the memo?
21 A I never saw the memo.
22 MR. LANE: That is the fourth time.
23 THE COURT: Objection sustained on the ground of
24 repetitious.
25 BY RM. SNYDER:

1 Q Did you sell your article to Penthouse Magazine?

2 A I sold one article to Penthouse Magazine. They did one
3 large question and answer request and a type think big
4 interview.

5 At one time they may have had a couple of
6 articles in the works and they just never worked out. Now, I
7 have contract with the Penthouse organization for two articles
8 now; one of which I just sent in the other day. I received an
9 advance on.

10 Q Around 1978 it is true, is it not, Mr. Marchetti, that they
11 denied doing any business with you?

12 A No, it is not true.

13 Q Is it not true that they provided you with an advance on a
14 story and did you not produce it?

15 A No, it is not true.

16 MR. LANE: I object. That is irrelevant.

17 THE COURT: Overruled.

18 BY MR. SNYDER:

19 A No, it is not true.

20 Q Let me quote you from Mr. Corson's deposition, page 23.

21 MR. LANE: May I say this is a new area that they have
22 gone into, and they cannot now impeach him. They are stuck
23 with his answer.

24 THE COURT: Overruled. Go ahead.

25 BY MR. SNYDER:

1 Q Mr. Corson says without getting into my opinion about the
2 stress, does the decision not to either commission or purchase
3 anything from Mr. Marchetti was based on the fact that he was
4 unable to perform that which he said he was going to be able to
5 do. And I am talking about the aspect of the expenses to
6 produce, and that particularly the material never was produced.

7 Now that sometimes happens where an author does
8 not and if it is a critical relationship and it is inadequate,
9 that the reference term a kill fee you know you say well, it is
10 not suitable. It may have been offered taken may be it did not
11 come out the way you expected, but I have described he was
12 Victor Marchetti was provided with advance money, expense money
13 to produce the piece which he did not produce, and that was the
14 basis of the decision not to deal in a relationship; however,
15 and I talked personally with Mr. Marchetti on the telephone.
16 Is he accurate?

17 A I think he is. First of all, he is not accurate and it is
18 all based on hearsay. Since he had never had anything to do
19 with any of my dealings not now with my dealings with the
20 organization, I always worked through New York. I used to work
21 through and usually through the editor in chief. So he is
22 wrong. He is just flat wrong.

23 Q Even though he says said he talked to you personally?

24 A I don't care what he said, he is wrong.

25 Q Fine. The Spotlight article contains the statement that

1 numerous persons are upset about the mysterious death of Mr.
2 Hunt's first wife, Dorothy, who are the people that were upset?

3 A I think he says that her death in the mysterious plane
4 crash still disturbed many people.

5 Back in that time in early 1978, when after Mr.
6 Hunt had just I guess gotten out of prison, not so long after
7 that had been accused of being involved in the Kennedy
8 assassination.

9 There was a lot of talk about him in the news and
10 in articles and so on and so forth, and this was an assessment
11 of mine based on everything that I had been reading up to that
12 point. August of '78.

13 Q Fine. My question to you, however, was these people who
14 are disturbed by the mysterious plane crash who are they?

15 A I don't know them by name. I know I have a lot of friends
16 and acquaintances who at that time were questioning and
17 wondering about it.

18 Q Could you name a few?

19 A I will start with my wife and my family. I have a very
20 large relationship. Do you want me to go through all that.
21 You want me to go through one hundred Marchetti's. I will go
22 through the 100 Barons' then. I will go through another lot of
23 other friends I have in Washington, D.C. I can read down
24 through the telephone book lots of people, many people in those
25 days were concerned."

1 Q A lot of them in your family?

2 A And else where and in Washington, D.C., and else where that
3 had people, students were constantly asking questions about
4 things that I never would get into the Kennedy assassination,
5 and they would ask questions it was a general feeling. Many,
6 many people who were concerned about it.

7 Q What was the basis of their concern.

8 MR. LANE: I think that calls for conclusion.

9 THE COURT: If he knows.

10 MR. LANE: If he knows the basis.

11 BY MR. SNYDER:

12 A Just circumstances at that time, strange acts. I don't
13 know when the final conclusion was ever reached on what
14 happened in that accident. There were stories going around.
15 There had been many people on the plain, there had been talk
16 that it was bombed that it crashed.

17 In a strange sort of way there were a whole mish-mosh
18 of things like this that was being picked up by the college
19 kids and other people, in there readings, and it was many of
20 the people that I knew were wondering about and disturbed about
21 it. And curious.

22 Q What is your source for the statement that Mrs. Dorothy
23 Hunt was about to turn on Howard Hunt?

24 A That's confidential information from a reporter very well
25 known Pulitzer Prize reporter.

1 Q Do you have any direct firsthand knowledge of any CIA
2 involvement in the Kennedy assassination?

3 A I do not. -- -

4 Q When you wrote the spotlight article, did you have any
5 direct firsthand knowledge of any CIA involvement in the
6 Kennedy assassination?

7 MR. LANE: He answererd the question. Does not have
8 now; how could he have had it before?

9 THE COURT: Objection. Overruled. Go ahead.

10 BY MR. SNYDER:

11 A I did not or do not.

12 Q At the time you wrote the article and submitted it to
13 Liberty Lobby, did you have any direct firsthand knowledge of
14 any CIA involvement in the Kennedy assassination?

15 A No.

16 Q The Church Committee investigated that too, did they not?

17 A Yes.

18 Q What was there conclusion. --

19 Q About CIA involvement or Mr. Hunt's involvement?

20 A I believe they generally exonerated both.

21 Q You were aware of that report when you wrote your article?

22 A Yes, I was.

23 Q Were you aware of the FBI report released in 1977 attached
24 to which was the lab analysis of Agent Shanefield?

25 A I don't know what you are talking about.

1 Q You don't know what I am talking about?

2 A No.

3 Q You never heard of Agent Shanefield's report?

4 A I heard the name on there around in the courtroom here.

5 Does this have to do with the photo analysis of the tramps and
6 Mr. Hunt in the that he has submitted for analysis?

7 Q Yes, it does.

8 A Yes, I heard about that, yes.

9 Q Had you heard about it when you wrote this article?

10 A I don't know if I had. But I can tell you I never believed
11 that Mr. Hunt was one of the three tramps and never said so.

12 Q You say in the Spotlight article Mr. Hunt will not dear to
13 speak out if the CIA will nail him, is that true?

14 A Yes.

15 Q This is because the CIA has some kind of hold on Mr. Hunt?

16 A Yes.

17 Q Were you aware Mr. Hunt pleaded guilty and served time for
18 his part in Watergate?

19 A Yes.

20 Q Did you think he had any part in the Kennedy killing?

21 A I did not know if he did or not.

22 Q You had no direct firsthand knowledge that he did, did you?

23 A That's right.

24 Q Have you testified in the past that when you submitted the
25 article to Spotlight that heard from no one in Spotlight

1 afterwards, and that the next thing that happened was you got a
2 check in the mail for 500?,-

3 A I believe I testified to that in my deposition and it was
4 incorrect. Upon hearing testimony yesterday the reading of the
5 deposition of Carto, and James Tucker, my recollection was
6 refreshed and I am quite certain now I probably did talk to Jim
7 Tucker about it and possibly even to Willis on at least one
8 occasion with Tucker and perhaps once with Willis, too.

9 Q Your deposition testimony is not right?

10 A That's right.

11 A It was in error.

12 Q Do you have the Spotlight article in front of you?

13 A Yes, I do.

14 Q Do you state in the article Alan Weberman investigated Mr.
15 Hunt's alibi for the date of the shooting?

16 A Yes.

17 Q Do you state in the article that Mr. Weberman found that
18 Mr. Hunt's story was not true and that he ultimately completely
19 shattered Mr. Hunt's story?

20 A Yes.

21 Q That is not a statement of opinion, is it?

22 A It is what they told me.

23 Q Did you check out Mr. Hunt's alibi?

24 A Personally, no.

25 Q Did you ever call Mr. Hunt on the telephone?

1 A No, I did not.

2 Q Did you ever write to Mr. Hunt?

3 A I did not.

4 Q Did you ever talk to any of Mr. Hunt's colleagues?

5 A About this matter?

6 Q Yes.

7 A I did not.

8 Q When were you working for the CIA you were executive
9 assistant to the deputy director, Rufus Taylor, Admiral Taylor
10 retired, did he not?

11 A Yes, he did.

12 Q You were reassigned, were you not?

13 A Yes.

14 Q You were sent to the Navy Yard?

15 A I was sent to the National Photographic Interpretation
16 Center.

17 Q That is located in the Navy Yard, is it not?

18 A Yes, it is.

19 BY MR. SNYDER:

20 Q That was a demotion?

21 A No, it was not. It was the beginning of my high level
22 management training.

23 And based on my three previous assignments up in the
24 directors office where I had gotten the highest fitness reports
25 you can get on one of them, the executive director wrote this

1 man is destined on the last one, in fact, is destined to become
2 one of managers of this agency. And I sent down there to begin
3 my management experience.

4 Q You never did become one, did you?

5 A I resigned about six months later.

6 Q Then you started the warfare with the agency.

7 MR. LANE: He testified there is no warfare.

8 THE COURT: Objection sustained.

9 BY MR. SNYDER:

10 Q Are there any sources you won't tell us now except the one
11 about Mr. Hunt's wife leaving him?

12 Have you finally come through with all your sources?

13 A About what you mean about the article?

14 Q Yes.

15 A Yes. I don't see anything else here.

16 Q I think you use the term rumor, is that correct?

17 A Where.

18 MR. LANE: We have a more specific question.

19 THE COURT: Sustained. Be more specific in your
20 question.

21 BY MR. SNYDER:

22 Q When you talk about the supposed CIA memo delivered from
23 the CIA to the house assassinations committee, you said I
24 believe there was a rumor and it interested you and you wanted
25 to check it out.

1 A My, my, you have such a faulty memory. I said there were
2 rumors going around Washington, D.C., that this was a period in
3 which there was a-great-deal of activity and a great deal of
4 interest because of the hearings that were coming up.

5 Q Do you think it is a responsible journalist's practice to
6 rush into prints with rumors?

7 A The only opportunity I have is to publish since I am -- I
8 cannot publish with newspapers and news magazines. I would be
9 in competition. When they want to use me as a source they
10 don't want to employ me as a writer to a story like this.
11 That is a real dynamite story, and in a very exciting period of
12 time, and a big committee meeting is about to be held, the only
13 way I can get it into print prior to the committee meeting
14 would be to work through a publication like that, like
15 Spotlight. It wouldn't be enough time to go through a magazine
16 that has a three and four month lead time.

17 Q The house committee hearings were not going to open for a
18 month, were they?

19 A That's right.

20 Q So you had time to collect out a few things, did you not?

21 A Well, they have a lead time down there, and we did want to
22 get it into print before these other reporters who were
23 tracking the story down.

24 And whether or not I knew and I knew very good and
25 had tremendous assets, we wanted to bet them into print.

1 Q You viewed it as a dynamite story?

2 A It was back then, yes. At the time I remember I sat every
3 day during the hearings--listening to public radio awaiting for
4 something to happen, particularly with staff members coming
5 down and acted so strangely with me. I was anticipating great
6 things from some of them that come through about the multiple
7 shooters, and there were some other classifications.

8 Q The Hunt's memo never came through, did it?

9 A It never came through.

10 Q The house committee issued a report, did it not, in which
11 it said the Hunt memo, the CIA memo, regarding Hunt never
12 existed, was not found dead in fact?

13 A I think they issued a report and about almost a year later
14 saying that were a footnote.

15 MR. LANE: I don't believe the report, which I think
16 Mr. Snyder has access to, states the house select committee
17 said the Hunt, CIA memorandum never existed. I think we should
18 be precise. I don't believe that is relevant. I object to the
19 question because it is assumes fact not in evidence.

20 THE COURT: Overruled. Go ahead.

21 BY MR. SNYDER:

22 Q You are aware the House Select Committee on assassinations
23 said in their final report that they never ever received a
24 memorandum the so-called CIA memorandum regarding Howard Hunt,
25 are you not?

1 A Yes, a year after this article was written.

2 Q And the staffers that told someone, that told you that was
3 reprimanded for leaking false information?

4 A That was just part of my source. That was just one, and
5 there were other people, who particularly when Mr. Hunt wanted
6 to depose me in the Weberman case, the strange action of the
7 CIA, and in telling my lawyer to stone wall it, I was convinced
8 something would come out by that time that just added to the
9 suspicion.

10 Q The House Select Committee on assassinations says in their
11 final report they never got the memorandum that the story says
12 that they got?

13 A A year after this story was written the house committee
14 said, no, there were rumors of the memo and they were not based
15 on facts a year later, yes.

16 Q Are they liars too?

17 A I don't know. I never could track down the whole story.
18 It is quite possible a memo did exist. It could have been a
19 serious memo as I believe Mr. Hunt described it.

20 It could have been just rumors and leaks designed
21 to accomplish what Joe Trento did in his Wilmington piece, and
22 that is to write a stir story on it. It was picked up by the
23 New York Times or somebody's system and get it in the AP and
24 get it all over the country a good big phony story propaganda
25 type thing, disinformation.

1 Q Big for any story?

2 A It could have been. There are a lot of possibilities.
3 Once the story died, by the time a year later I was off on
4 other things and no longer concerned about it.

5 Q Was it you, who?

6 A Since Mr. Hunt did not sue at that time.

7 Q Sue who?

8 A Mr. Carto. He didn't sue him until I figured -- well, it
9 is dead. Everybody forgotten about it; it was long out of my
10 mind.

11 Q You were asked by Mr. Carto to advise him whether to
12 retract, were you not?

13 A Long before the committee ever submitted their report about
14 a year before, a couple of weeks after this article.

15 Q You told him, in my opinion, you should not retract?

16 A A couple weeks after the article do not retract it, the
17 story looks hot. We may get more information and more to
18 write.

19 Q Your sources are so solid?

20 A Something might break.

21 Q But nothing broke up to that time, had it?

22 A They wouldn't have expected it that soon.

23 Q Who was Fagayton Phonzy?

24 A I believe he was on the staff of the House Select Committee
25 as an investigator.

1 Q Was it Mr. Phonzy, was it not, that told someone who told
2 you this dynamite memo had been received by the house
3 committee? -- -

4 MR. LANE: I don't know what the dynamite memo is.

5 THE COURT: Objection to the form of the question.
6 Sustained.

7 BY MR. SNYDER:

8 Q I believe that you testified that this story was dynamite.

9 A Yes.

10 MR. LANE: He talked about the story about the whole
11 assassination, House Select Committee.

12 THE COURT: Form of the question sustained.

13 BY MR. SNYDER:

14 Q Isn't the dynamite aspect of this information, the
15 so-called CIA memorandum that says somebody -- we will have to
16 explain what Hunt was doing in Dallas, Texas?

17 A That is one part of it, a major part.

18 Q A major part?

19 A I would say in the story itself the most significant piece.

20 Q Did you ever talk to Mr. Phonzy yourself, about whether the
21 house received such a thing?

22 A I could never track Phonzy down or that other guy Lopez. I
23 could never track him down or find him.

24 Q That did not keep you from printing the story, did it?

25 A No, I knew that they existed and that was good enough.

1 Q You know what existed?

2 A That, these individuals, existed.

3 Q You did not know the memo existed, did you?

4 A No, I was not able to prove that conclusively.

5 MR. SNYDER: I have no further questions.

6 REDIRECT EXAMINATION

7 BY MR. LANE:

8 Q You actually did beat Mr. Trento into printing with this
9 story, did you not?

10 A I never knew about the Trento's story until a few months
11 ago.

12 Q In retrospect, is that your conclusion?

13 A Yes.

14 Q Have you read Mr. Trento's memorandum story -- have you
15 read Mr. Trento's deposition in this case?

16 A Yes.

17 Q After reading that deposition, is there any doubt in your
18 mind that a memorandum was seen by Mr. Trento?

19 A I believe he had seen something. Some memorandum which he
20 believed was described in his article, yes.

21 Q Did you swear in that deposition that he had seen the
22 memorandum and that it bore the signature of Mr. Angleton and
23 Helms?

24 A Yes, it did.

25 Q The Warren commission concluded, did it not, Lee Harvey

1 Oswald acting alone killed President Kennedy at least in terms
2 of the evidence then available, was that the conclusion?

3 A I believe so,--yes.--

4 Q Did the House Select Committee reach the conclusion that
5 had been a conspiracy to kill President Kennedy that more than
6 one person was firing at President Kennedy?

7 A Yes.

8 Q Do you know the names of the distinguished members of the
9 Warren commission who issued the original incorrect report?

10 A Only some of them.

11 Q Was Earl Warren the Chief Justice of the United States, the
12 Chairman of that Commission?

13 A Yes, he was.

14 Q Do you know whether or not Alan Dulles, the former director
15 of the CIA, was a member of that commission?

16 A Yes, he was.

17 Q Was Senator Richard Russell a member of the U.S. Senate a
18 member of that commission?

19 THE COURT: Counsel, I respectfully suggest the same
20 members you mentioned yesterday were members today.

21 MR. LANE: I don't think I did this yesterday.

22 THE COURT: Yes, you did. Don't go over it again.

23 BY MR. LANE:

24 Q I never went over the list of members. Mr. Snyder just did
25 it for the Rockefeller Commission today, and yesterday I never

1 mentioned members of the Warren Commission. I asked Mr. Hunt
2 about that one person.

3 Q Was Congressman from Grand Rapids, Michigan, named Gerald
4 Ford a member of the commission?

5 A I think so.

6 Q And yet it appears the distinguished gentlemen wrote a
7 report that was incorrect?

8 A That is correct.

9 Q You heard Mr. Snyder ask you questions about Mr. Corson,
10 and Mr. Corson's testimony that since 1978 you have not worked
11 for Penthouse Magazines, is that correct?

12 A Yes, that's correct.

13 Q I show you Defendant's Exhibit HH and Defendants' Exhibit
14 II and ask you what those two documents are?

15 A One is a contract from Forum Magazine, that is part of the
16 Penthouse Organization to do two articles.

17 Q What is the date on that?

18 A I think the final seventh of December 1984.

19 Q Mr. Corson's testimony was untruthful, is that correct,
20 that you have not worked for the Penthouse Organization since
21 1978?

22 A Mr. Corson does not know everything. In fact, this there
23 is a lot he does not know other than some things he forgets
24 conveniently.

25 Q What is the other exhibit?

1 A A check from the Penthouse Organization that was signed by
2 Tony Fuchioni.

3 Q Who is Tony Fuchioni?

4 A The son of the boss Bob Fuchioni who runs everything. That
5 is the advance for these two articles I am supposed to do for
6 them.

7 Q Is that a portion of the check?

8 A Yes.

9 Q How much is it for?

10 A \$500.

11 Q When is it dated?

12 A Seven December.

13 Q Of what year?

14 A 1984.

15 MR. LANE: I will offer these two documents in.
16 evidence, Your Honor.

17 THE COURT: Any objection?

18 MR. LANE: I object.

19 MR. DONNELL: I object as to relevancy.

20 THE COURT: Overruled. Receive them as HH and II.

21 MR. LANE: I have no further questions.

22 THE COURT: You may step down.

23 (Jury left.)

24 MR. DONNELL: Subsequent to what we were discussing
25 earlier today with regard to rebuttal or impeachment witnesses,

1 we have one now present ready to go. Mr. Lane is not objecting
2 to the timing of our putting that witness on now, but he is
3 objecting to the subject material.

4 THE COURT: Who is it that you intend to call for what
5 purpose issues.

6 MR. DUNNELL: John Greaney.

7 THE COURT: The person has not been listed as a
8 witness?

9 MR. DUNNELL: I believe Mr. Lane was told yesterday or
10 today that this person was an impeachment witness.

11 MR. DUNNELL: About two hours ago today.

12 MR. LANE: About two hours ago today.

13 MR. DUNNELL: Mr. Greaney was an assistant counsel for
14 the CIA. He would testify concerning Mr. Marchetti's
15 injunction and testify today regarding the doctor, CIA double
16 crossing him and testify in that area.

17 MR. LANE: Your Honor, may I be heard.

18 THE COURT: Yes.

19 MR. LANE: During the deposition of Mr. Marchetti and
20 others, we were frequently confronted with exhibits by the
21 Plaintiff; that is, copies of the injunction and orders, and
22 Court rulings I think the Fourth Circuit, whatever circuit
23 involved, there is no way in the world it seems to me there is
24 anything that is up anticipated about the question of the
25 injunction.

1 I believe they may have been made reference from
2 the opening statement, but, they were talking about this for a
3 long long time that there was an injunction against Mr.
4 Marchetti by the Central Intelligence Agency.

5 This then goes to the question, I suppose,
6 although I don't think it is relevant. If it is in any way
7 relevant it would go to the question of Mr. Marchetti's
8 character.

9 THE COURT: Are you trying to show he testified
10 falsely concerning the material matter.

11 MR. DONNELL: I am stating that Mr. Marchetti gave a
12 version of facts concerning the injunction, which is different
13 than --

14 THE COURT: The question is are you trying to contend
15 falsely concerning a material matter?

16 MR. DONNELL: Yes, incorrectly for sure. Falsely, I
17 guess, yes.

18 THE COURT: Or at some time he failed to say or to do
19 something, is that inconsistent with his present testimony?

20 MR. DONNELL: That I will not be offering with this
21 witness at this time.

22 THE COURT: Your sole basis would be that he has
23 falsely -- testified falsely to concerning the material matter.

24 MR. DONNELL: He has testified incorrectly today.

25 MR. LANE: May we have a voir dire examination of this

1 witness before the jury is called into see if this is true if
2 this is what the witness will say.

3 THE COURT: Just tell me what the witness would be
4 prepared to say.

5 MR. DONNELL: He can identify himself with the -- he
6 will testify that he was in the legal office and he was one of
7 the imagine attorneys involved in obtaining this injunction
8 against Mr. Marchetti.

9 Mr. Marchetti's testimony that the CIA double
10 crossed him is absolutely false, and Mr. Marchetti's writings
11 possess a threat to the National Security of the United States.

12 MR. LANE: Mr. Marchetti testified that he talked to
13 two people a matter of little significance I think but he
14 talked with somebody from the CIA. They made a promise to help
15 him, and he was cut-off. He was told it was hearsay; he
16 couldn't go into it.

17 Now, they come in in the area he was not allowed
18 and testified how that had he been allowed to testify it would
19 have been untrue. And this was not the gentlemen who made the
20 offer to him. How could he testify about what offer had been
21 made, that is why I think we need a voir dire examination.

22 THE COURT: If you would like of your witness come in
23 please.

24 Give us your full name for the record and your
25 address.

1 THE WITNESS: John Kennedy Greaney, 6112 Western
2 Avenue, Chubby Chase, Maryland. 21528.

3 THE COURT: G-R-E-A-N-E-Y.

4 DIRECT EXAMINATION

5 BY BY MR. LANE:

6 Q Are you an employee of the CIA?

7 A I retired February 29, 1980 from the CIA.

8 Q You worked with the CIA when Mr. Marchetti signed a secrecy
9 agreement on the third of October 1955?

10 A I was working -- I began my employment with the CIA in June
11 of 1951.

12 BY MR. LANE:

13 A I had no personal knowledge of Mr. Marchetti signing the
14 agreement at the time he signed it. I was not involved in that
15 part of the organization.

16 Q In Court today when Mr. Marchetti --

17 BY MR. LANE:

18 A Only partial. I did not hear his entire testimony.

19 Q Did you hear him saying that was false?

20 A I considered it to be false.

21 Q What did you hear him say that you considered to be false?

22 A His reference to Joe Trento as a verified journalist
23 strikes me as being false.

24 Q You don't like Joe Trento?

25 A I think he is a false journalist. He puts out false

1 testimony.

2 Q Are you here as a charter witness for Mr. Trento?

3 A No, you asked-me if-I knew anything false.

4 Q Is Mr. Trento employed as a journalist by Cable News
5 Network in Washington, D.C.?

6 A I am not aware of that.

7 Q You don't know that, but now he is not a real journalist,
8 right?

9 A No, I said he is not an accurate journalist.

10 Q What else did you hear Mr. Marchetti say that you
11 considered to be false?

12 A I would rely on the deposition that counsel quoted and
13 somebody giving a deposition under oath is presumed to be
14 speaking the truth, and certainly a great divergence between
15 the depositions and what Mr. Marchetti said.

16 Q You are not coming here to sum up for the jury, are you?

17 THE COURT: Counsel, we don't have to go further. You
18 are having discovery now which is all right, too. If I wanted
19 to permit that. I don't see anything that this witness is
20 here. You can ask him what is he here to show that this man --
21 that he testified falsely.

22 MR. LANE: Is there anything else?

23 THE COURT: So far all he is doing is evaluating
24 another individual involved in the case.

25 MR. DUNNELL: Is it true Mr. Marchetti was

1 double-crossed by the CIA?

2 THE WITNESS: Not to my knowledge he was not
3 double-crossed. -- --

4 MR. LANE: Not to his knowledge.

5 THE COURT: All right. I don't think this is
6 impeachment, counsel. You have failed to give his name. He
7 will not be able to testify. If you want to tender something
8 for the record or proffer for the record.

9 MR. DUNNELL: Yes, I would like to protect the record.
10 You may step down Mr. Greaney.

11 THE COURT: Anything else you wanted?

12 MR. DUNNELL: No, I was going to proffer from here.
13 We would like to proffer through Mr. Greaney.

14 THE COURT: If they have no objection to the proffer.

15 MR. LANE: Mr. Dunnell could make the proffer..

16 THE COURT: You may step down.

17 MR. DUNNELL: The testimony of John Greaney would be
18 that he was an employee of the CIA. He was an assistant
19 General Counsel for the CIA, and one of the attorneys for the
20 CIA involved in obtaining the final permanent injunction
21 against Victor Marchetti.

22 He is familiar with Victor Marchetti and Victor
23 Marchetti's writings. The injunction was obtained as a result
24 of Mr. Marchetti violating his secrecy agreement. He would
25 testify that Mr. Marchetti's testimony today regarding the CIA

1 double-crossing him is false, inasmuch as the CIA proceeded
2 against Mr. Marchetti only, after they had obtained a
3 transcript, or I am sorry, a manuscript that he had distributed
4 to magazines in an attempt to publish an article that informed
5 the outline basis for the book he later wrote, which was the
6 subject of the injunction suit.

7 The CIA called intelligence consulted of
8 intelligence Mr. Marchetti's statement that the CIA
9 double-crossed him is false, and Mr. Marchetti was violating
10 the security agreement and things he was attempting to write
11 posed great threats to the national security of the United
12 States.

13 THE COURT: Thank you. I think that all would have
14 been proper rebuttal. If you listed him as a witness he would
15 have been called.

16 MR. LANE: May I proceed.

17 THE COURT: Bring the jury back in.

18 (Jury returned.)

19 MR. DONNELL: We have arguments that we don't believe
20 that this deposition properly comes in. In this case I raised
21 a point on Wednesday, and I believe at the time it was off the
22 report at the bench at sidebar.

23 THE COURT: What deposition are you talking about?

24 MR. LANE: The deposition we wish to read at this
25 time. Joseph J. Trento the author of the Wilmington Delaware

1 this deposition in terms of some of the things which they ask.

2 Mr. Trento did not merely say here goes my
3 article, and that is all he swore that he saw the CIA
4 memorandum, that it appeared to be signed by Angleton and
5 helpless. He knew both there and said more things as he
6 described his sources in great detail as in the case of Richard
7 Helms refused to answer questions.

8 Mr. Helms himself whose deposition they read
9 yesterday, on numerous occasions was told by John Smith of the
10 CIA who would not even give his name to use on the record. And
11 who advised the counsel for the CIA Mr. Strickland not to
12 answer questions, and we read that yesterday.

13 Not one question has be certified to this Court
14 from the Trento deposition, no motion to compel answers has
15 been made in this case regarding Trento's deposition. . .

16 No application for sanctions have been made under . .
17 those circumstances. We think we can read the deposition.
18 That is what the Federal Rules provide.

19 MR. DONNELL: Very simply, Your Honor. We did not
20 take this deposition. We do not seek to bring it in. It was
21 Mr. Lane at the deposition, certified many questions and did
22 not second a Court redress.

23 It is our position that when a person comes to a
24 deposition and we were present and we asked questions, but no
25 cross examination occurred, and under the Federal Rules this

1 does not substitute his deposition in a fair chance to examine
2 because the witness just kept saying I am not going to tell
3 you, I will not tell you, I will not tell you.

4 MR. LANE: I don't believe I certified a single
5 question.

6 THE COURT: I understand each sides position. The
7 first position that there was some journalistic privilege that
8 was --

9 MR. LANE: He asserted a journalistic privilege and
10 neither side challenged. I am just as in the case of Mr. Helms
11 when the CIA said don't answer such questions was Oswald the
12 lone assassin or questions that have nature John Smith of the
13 CIA talked to Mr. Strickland.

14 Mr. Strickland would talk to Mr. Helms himself,
15 but that is what happened. I said this yesterday, Your Honor,
16 when the Helms matter came up, I said we will have no
17 objection. If we understand that the Trento and other
18 depositions come in under the same rule of law in this case.

19 And you said nothing was certified to me in the
20 Helms case, and I said that is correct and nothing has been
21 certified in the others either.

22 THE COURT: It does not mean the substance of this
23 depositions admissible.

24 MR. LANE: The substance is right in the heart of this
25 case, Your Honor. About that there is no question. It is

1 relevant, and I don't know if there is a single objection by
2 them in the entire deposition.

3 THE COURT: How much of this deposition is involved
4 with his sources as distinguished from his personal knowledge.

5 MR. LANE: The single most important element of this
6 is his personal knowledge that he read the CIA memorandum.

7 THE COURT: This may take some doing, but it is my
8 judgment under the totality of the rule and justice I will
9 permit you to inquire and bring out in the deposition all which
10 appears to be of his personal knowledge.

11 Anything he says he got from some sort, but one
12 source but won't tell the source. I won't permit him to bring
13 out before the jury.

14 MR. LANE: That will take a little doing, but we will
15 follow the Courts instruction with our question.

16 THE COURT: Thank you.

17 MR. DUNNELL: Your Honor, if I am to take the Courts
18 ruling correctly, Mr. Lane will be permitted to go after those
19 things that Mr. Trento did, testify with his personal
20 knowledge, but he wouldn't provide any information regarding
21 it.

22 If that is the case, I think and I am not changing
23 grounds here, based on the ruling under 106 the entire
24 deposition should be read to the jury.

25 MR. LANE: You.

1 THE COURT: You have to bring the jury. The plaintiff
2 waived all objections.

3 (Jury returns.) _

4 THE COURT: The defendant will now submit testimony by
5 deposition. Same instructions I gave you earlier this week
6 with reference to deposition testified would be applicable into
7 these depositions.

8 MR. LANE: May we proceed.

9 THE COURT: You may.

10 (Thereupon, Mr. Trento's deposition was read to the jury.)

11 THE COURT: I will let you be in recess until Monday
12 morning, 9:00 o'clock Monday morning. The same instructions
13 are apparent, and at this time any additional charge from the
14 plaintiff.

15 MR. SNYDER: No.

16 THE COURT: Defendant?

17 MR. LANE: No.

18 THE COURT: You will be excused until Monday morning
19 9:00 o'clock.

20 (At this time the hearing was adjourned until Monday
21 morning at 9:00 o'clock on Febraury 4, 1985.)

22 THE COURT: I will let you be in liaison until Monday
23 morning. 9:00 o'clock Monday morning. The same instructions
24 are apparent, and at this time any additional charge from the
25 plaintiff.

1 MR. SNYDER: No.

2 THE COURT: Defendant.

3 MR. LANE: No.

4 THE COURT: You will be excused until Monday
5 morning 9:00 o'clock.

6 (At this time the hearing was adjourned until
7 Monday morning at 9:00 o'clock.)
8 -----

9 I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND
10 CORRECT TRANSCRIPT

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12 PAUL HAFERLING

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

E. HOWARD HUNT, JR.,

Plaintiff,

vs

LIBERTY LOBBY, INC.,

Defendant.

Case No. 80-1121-CIV-KEHOE

Wednesday, January 30, 1985

12:00 noon

Miami, Florida

FILED by D.C.
VOLUME III

NOV 8 1985

ROBERT M. MARCH
CLERK, U.S. DIST. CT
S.D. OF FLA. - MIAMI

TRANSCRIPT OF TRIAL HELD BEFORE THE HONORABLE

JUDGE JAMES W. KEHOE

APPEARANCES:

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Reported By:

Nancy Bryant

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Official Reporter

301 N. Miami Avenue, Suite 1104
Miami, Florida 33136

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JD

1 (Call to order of the court at 12:00 noon.)
2 (Jury not present.)
3 THE COURT: Bring the Jury in, please, Marshal. Bring
4 in the Jury, please, sir.
5 (Jury entered.)
6 THE COURT: Mr. Hunt, if you will, come back to the
7 witness stand, please.
8 May I have a quick sidebar conference, while we're
9 waiting for the Jury?
10 (Sidebar conference as follows:)
11 THE COURT: I will make an inquiry whether anybody
12 wishes to make any motions with regard to the fact that we have
13 all been disrupted by virtue of the bomb scare and the evacu-
14 ation problem, et cetera.
15 Anything you want to put on the record?
16 MR. SNYDER: The only thing I would like to do is
17 request the Court to go late this evening, so we can make up
18 for lost time.
19 THE COURT: That is certainly no problem with the
20 Court. I don't know how late is late.
21 Anything with reference to this problem, and
22 instructions to the Jury?
23 MR. SNYDER: No, sir.
24 THE COURT: Any inquiry of the Jury?
25 MR. SNYDER: Your Honor, the Jurors were in the

1 vicinity when the Court and Counsel were having our conver-
2 sations out in the plaza this morning.

3 Should they be admonished in some way with respect to
4 that that if the Court is laughing and joking with any Counsel,
5 that nothing of substance was transpiring, and they shouldn't
6 draw any inferences that the Court favors one side or the
7 other, because they were talking with one person or the other?

8 MR. LANE: I think such instructions would just raise
9 questions rather than resolve them. I see no need to have any
10 instruction about anything that happened in the plaza, which
11 was certainly circumspect. Nothing --

12 THE COURT: I don't think that kind of an inquiry is
13 necessary. I have told them once I don't care who wins this
14 case. No, I will rely on that.

15 My main concern is if you want me to focus in on the court
16 bomb scare.

17 MR. LANE: I don't see any need.

18 Both of you? I'll let you say whatever it is.

19 MR. SNYDER: Just thinking out loud, Judge, some of
20 the people, onlookers this morning, were wondering if the bomb
21 scare had anything to do with the Hunt case, or as one of them
22 said, "anything that is going on to the 8th Floor."

23 THE COURT: That might be pretty good, to tell them
24 that from what we -- the information we have -- it does not
25 involve anything involving this case.

1 MR. LANE: I have no objection to that.

2 MR. DUNNE: Well; that might raise a question, too.
3 Why would anybody even think about it? If we say, as far as we
4 know, it's related to another case in court --

5 MR. LANE: Perhaps we can have a moment's recess, so
6 all of the attorneys can get --

7 (Sidebar conference ended)

8 (Jury in at 12:05 p.m.)

9 THE COURT: Ladies and gentlemen I need about two
10 minutes, quickly. Take the Jury back just for a moment.

11 (Jury out at 12:05 p.m.)

12 THE COURT: All right, the question before the Court
13 is what should we do with reference to my inquiring of the
14 Jury, or advising, or let everything ride, or whatever you --

15 MR. LANE: I think there is no need to say anything
16 to the Jury about the delay. I think the Jurors have an idea
17 about what the delay is; totally unrelated to this case. I
18 think raising the question with them will make them focus on
19 whether it is related to the case, for the first time.

20 MR. SNYDER: I agree.

21 THE COURT: All right. I am inclined to agree with
22 you. I just wanted to be sure that is the way everybody was
23 thinking about the problem.

24 MR. LANE: One other matter. You instructed the Jury,
25 very thoroughly, not to talk about the case with anybody. But

1 it occurred to me, in view of the nature of the parties and
2 some of the problems that go on in the background, would there
3 be anything served by instructing the Jurors not to discuss the
4 parties with anybody?

5 Say, a friend calls and says, "I am not going to
6 discuss the case, but have you heard about Liberty Lobby?" I
7 assume they would consider that covered by your warning. I
8 thought I'd bring it out, in case you wanted to say, "Don't
9 discuss the case or any of the parties with anybody, until the
10 trial is over."

11 THE COURT: Remind me of that. I will add to that,
12 rather than make a point about it at this time.

13 Marshal, now you can bring them in. Thank you.

14 (Discussion concluded.)

15 (Jury entered at 12:07 p.m.)

16 THE COURT: Mr. Hunt, you are still under oath. COURT:

17 If you will, please, Counsel, you may continue your
18 cross-examination.

19 MR. LANE: Thank you, Your Honor.

20 E. HOWARD HUNT, JR., PLAINTIFF'S WITNESS, PREVIOUSLY SWORN.

21 CROSS EXAMINATION (Cont'd.)

22 BY MR. LANE:

23 Q. Mr. Hunt, I think yesterday we were talking about your
24 statement to the House Select Committee on Assassinations, when
25 we recessed.

1 I belief that you said that you wanted to go there.

2 You went there with a prepared statement, and you told them of
3 the witnesses who could provide an alibi for you on November
4 22, 1963; is that correct?

5 A. That is correct.

6 Q. And in that prepared statement, you did not tell the House
7 Select Committee on Assassinations that Mr. Kuzmuk had seen you
8 on November 22, 1963; is that correct?

9 A. In any prepared statement?

10 Q. Yes.

11 A. No, sir, I did not.

12 Q. Now, did you often drive to your office in Washington, with
13 Mr. Kuzmuk, in a small car or car pool?

14 A. By -- you mean the pool was small or the car was small?

15 Q. I will withdraw the entire question.

16 Did you often drive to Washington, D. C, with Mr.
17 Kuzmuk?

18 A. I did.

19 Q. Mr. Kuzmuk said that on most occasions you, in fact, drove
20 together; is that true?

21 A. Well, if I was driving with him, we drove together, yes,
22 sir.

23 Q. But that happened on most occasions, he testified. Almost
24 every day, when you drove from your area?

25 A. Either he drove or I drove, yes.

1 Q. Well, why didn't it occur to you, before you received this
2 letter which is gone now, from Mr. Kuzmuk, that he might have
3 been an alibi witness for you, since it was in the regular
4 nature of your business to drive with him to work?

5 Do you understand my question?

6 A. I understand your question. I think that one of the
7 principal factors has been ignored by everyone involved, I
8 guess. There is nobody who has pointed out yet that the report
9 of the House Committee came in two sessions. There was an open
10 session and an executive session.

11 Now, what you have, sir, is everything that transpired
12 during the open session -- the executive session was a classi-
13 fied session, and I made reference to the fact that I testified
14 lengthily, that they ran in teams on me, and that was undoubt-
15 edly a part of the classified session, which was not made
16 available. 16 available.

17 Now, I assume that in that -- and I have no copy, of
18 the executive record that was taken, none was ever furnished to
19 me -- that I made substantial reference to those people who I
20 thought were able to place me in Washington on the date
21 November 22, 1963.

22 Q. My question, Mr. Hunt, is relatively simple. And that is,
23 since you, in testifying in a deposition in the case that you
24 brought against Mr. Weberman -- and you testified in 1977
25 there, you testified before the Rockefeller Commission in June

1 1975, you testified before the House Select Committee on
2 assassinations in 1978 -- why you did not think to tell any of
3 those bodies that you had seen Mr. Kuzmuk on November 22, 1963?

4 A. If I was ever asked that direct question, I would have, of
5 course.

6 Q. But we went over it yesterday. You were asked, "Who can
7 you provide as an alibi witness on November 22, 1963?"

8 And at each of those hearings, over a period of years,
9 from 1975, through 1978, in each of those instances, when you
10 were trying to present an alibi witness, you never mentioned
11 Mr. Kuzmuk.

12 I am asking you why that is so?

13 A. I don't know that I didn't.

14 Q. All right, we'll go over it again.

15 A. You can't go over the House Committee on Assassinations
16 Executive portion, because we don't have it.

17 Q. Well, that is true. We can't go over what we do not have,
18 but we can go over what you did testify in a deposition taken
19 on July 6, 1977, in a case which you filed against Mr.
20 Weberman.

21 A. I testified. I have been deposed, of course. The date, I
22 will accept from you.

23 Q. You looked at it yesterday. That was the date I think it
24 was filed; is that correct? Very good.

25 Now, is it true that whole transcript is available?

1 None of that is classified? None of that is unavailable to us;
2 is that correct?

3 A. My understanding, yes, sir.

4 Q. You have seen that deposition; have you not?

5 A. Yes, I have.

6 Q. In that deposition, were you asked to provide the names of
7 alibi witnesses; those who saw you on November 22, 1963?

8 A. That was 1977; was it not, Counselor?

9 Q. Yes, sir.

10 A. I don't believe I heard from Mr. Kuzmuk, even realized that
11 he was alive, until he sent the letter to Mr. Rubin, at a later
12 date.

13 Q. That wasn't my question. I asked if you were asked to give
14 the names of those who you saw on November 22, 1963.

15 And you had regularly driven to work from your house
16 with Mr. Kuzmuk during that period; is that correct? Kuzmuk during

17 A. That is correct. 17 A. That is correct.

18 Q. Why didn't you think, then, that Mr. Kuzmuk might be a
19 witness whose name you should give to the lawyers in the
20 Weberman case?

21 A. Well, we were talking 14 years later, Counselor. From the
22 time that that happened, it just didn't occur to me, at that
23 point, that Mr. Kuzmuk was even alive.

24 Q. Well, you gave the names of other people who weren't alive,
25 didn't you?

1 A. Well, Mary Trainer was alive at that time. I gave her
2 name.

3 Q. Did you testify that you had seen your wife, Dorothy?

4 A. Of course.

5 Q. Was she alive at that time?

6 A. I didn't testify in connection with her being an alibi
7 witness, obviously, because she was dead. She was the one who
8 drove the car to downtown Washington that day.

9 Q. Excuse me. Were you asked this question during the
10 Weberman deposition, in the case which you had filed against
11 Mr. Weberman, et al, for the book Coup d'etat.

12 "Referring to November 22, 1963, who was with you that
13 day?"

14 And did you answer, "I was with a large number of
15 people. At the time I heard the news of an assassination, I
16 was with my wife. Later on, I went home and was with my wife
17 and children, my aunt, I was with the maid and the neighbors."

18 And then did you list various people who you had seen
19 on November 22, 1963?

20 A. I believe I did.

21 Q. And is it true that on that occasion you did not mention
22 Mr. Kuzmuk's name?

23 A. I did not mention his name.

24 Q. Did you mention Miss Mazerov's name at that occasion?

25 A. I did not.

1 Q. Was she your secretary in 1963?

2 A. No, she was not.

3 Q. When did she become --

4 A. She never was.

5 Q. Was your relationship with Miss Mazerov as an office

6 worker?

7 A. She was a file clerk-typist.

8 Q. And did she work in the same building that you worked?

9 A. She did.

10 Q. Excuse me, Mr. Hunt. Did she work in the same building in

11 which you worked, during November, 1963?

12 A. She did.

13 Q. Why did you not tell the person, the lawyer asking you that

14 question in the Weberman deposition, that Miss Mazerov had seen

15 you? 15 you?

16 A. I can't say. I don't know. 16 A. I can't say. I d

17 Q. How far away do you live, did you live, in November, 1963, so v

18 from Mr. Kuzmuk?

19 A. I would say about 200 yards.

20 Q. No. What city was that?

21 A. It was in suburban Maryland, in a development called

22 Sumner, S-u-m-n-e-r.

23 Q. What office did you occupy in the building which the CIA

24 occupied, in Washington, D. C.?

25 A. I am sorry, what office? 25

1 Q. What office? Did it have a number?

2 A. I don't recall.

3 Q. How far from your office was Mr. Kuzmuk's office?

4 A. Well, I believe he was on the same floor, but I can't say.
5 We had several floors in that building.

6 Q. It is your testimony, is it not, you were in that building
7 on November 22, 1963?

8 A. Yes.

9 Q. Well, didn't it occur to you that you might have seen Miss
10 Mazerov or Mr. Kuzmuk on November 22, 1963, in that building?

11 A. Counselor, I think it's self-evident that I didn't.

12 Q. That it did not occur to --

13 A. That it did not occur to me; that is right.

14 Q. When you testified in 1977; is that correct?

15 A. That is correct.

16 Q. Okay. Now, you testified before the Rockefeller Commission
17 in 1975; is that correct?

18 A. Testified -- I held an office conversation with the General
19 Counsel, Mr. Robert Olsen.

20 Q. All right. And is it true that you were trying to, then,
21 give them information to prove that you were not in Dallas on
22 November 22, 1963?

23 A. My recollection, Counsel, is this: I was called to
24 Washington and asked to provide a number of photographs for
25 forensic examination, which I did. I don't believe I

1 volunteered. I think that I was requested to come. That is my
2 recollection.

3 Q. Did you tell the Rockefeller Commission that you had seen
4 Mr. Kuzmuk on November 22, 1963?

5 A. We're talking 1975?

6 Q. Yes.

7 A. No, I did not.

8 Q. Did you tell the Rockefeller Commission you had seen Miss
9 Mazerov?

10 A. I didn't volunteer it, and I don't believe I was asked.

11 Q. Did you go before the Rockefeller Commission, or before
12 Counsel, or before the Commission, at your own request, or were
13 you asked to go?

14 A. My recollection is, I was asked. A. My recollection

15 Q. And were they trying to find out whether you were on duty
16 with the CIA in Washington, D. C, that day; November 22, 1963?

17 A. I suppose, in a general sense, they were. But, again, as I
18 recall, my participation was simply on the question of the
19 tramps, the three tramps in Dealey Plaza.

20 I was asked to provide photographs for forensic
21 examination, which I did, and that ended my involvement with
22 the Rockefeller Commission.

23 Q. Wasn't the Rockefeller Commission examining the photographs
24 to see if the photographs depicted you in Dallas, Texas, on
25 November 22, 1963?

1 A. That's right; following charges made by others.
2 Q. Yes, by Mr. Weberman, Mr. Canfield, Mr. Gregory?
3 A. That is correct.
4 Q. So, that was the purpose of the photo overlays and the
5 photos, to see if that was you in the picture?
6 A. That is correct.
7 Q. In Dallas, Texas, November 22, 1963; is that right?
8 A. That is correct, yes.
9 Q. Didn't you say, "I couldn't have been in that picture,"
10 which is obviously in Dealey Plaza, Dallas, Texas, November
11 22nd, just after the President had been shot? That is what the
12 picture -- "I couldn't have been there. I was in Washington,
13 D. C."
14 Didn't you say that to them?
15 A. I don't recall that I did. We had a very low-key
16 conference with the General Counsel.
17 O. You were very concerned about that allegation, weren't you,
18 that you were there in that picture in Dealey Plaza?
19 A. I felt that this matter was so preposterous, once the
20 forensic examination had been made, that a report would be
21 issued exculpating me, as indeed happened.
22 Q. You were exculpated by the Rockefeller Commission?
23 A. Yes, sir.
24 Q. And the Rockefeller Commission concluded, on Page 254, did
25 they not, "Hunt could not recall whether he was on duty with

1 the CIA on the morning of that day."

2 Is that their statement?

3 A. That is their statement.

4 Q. Is that what you called an exculpation?

5 A. Well, it certainly doesn't say I killed John Kennedy.

6 Q. It certainly does not. We're talking about --

7 A. And that is what the case is all about.

8 THE COURT: Just questions.

9 THE WITNESS: I am sorry, Your Honor.

10 THE COURT: I just want him to ask questions, not make
11 statements.

12 MR. LANE: Yes, Your Honor. Thank you.

13 BY MR. LANE:

14 Q. Did the Rockefeller Commission also make this statement:

15 "Contacts with relatives, friends, neighbors or contacts with
16 fellow employees, who might have known of the whereabouts of
17 of Hunt and Sturgis on that particular day, could not be
18 recalled."

19 Did the Rockefeller Commission make that statement?

20 A. If you say so. I --

21 Q. No, I am going to show it to you -- this is Defense Exhibit
22 L for Identification -- and ask if that is what the Rockefeller
23 Commission said?

24 A. Yes. Shall I read the paragraph?

25 Q. No, just -- if you can remember my question, perhaps you

1 can answer it yes or no.

2 A. This is the yellow --

3 Q. This is my question, I will ask it again -- yes, we can
4 both look at it together.

5 My question, Mr. Hunt, is, did the Rockefeller
6 Commission, on Page 255 of its report, state:

7 "Contacts with relatives, friends, neighbors or
8 fellow employees, who might have known of the whereabouts
9 of Hunt and Sturgis on that particular day, could not be
10 recalled?"

11 Is that what the Commission stated?

12 A. That is a partial. That is an excerpt from the report,
13 yes, sir.

14 Q. It's one sentence?

15 A. It's one sentence of the report.

16 Q. Is there another sentence in the report, which states:

17 "It can't be determined, with certainty, where Hunt
18 and Sturgis actually were on the day of the assassination."

19 Does it state that?

20 A. It does.

21 Q. Now, are you familiar with the deposition taken from Mr.
22 Kuzmuk, on December 7, 1981?

23 A. I have never read it.

24 Q. All right. We are going to mark this Defendant's Exhibit
25 R for Identification. I am going to show this to you and ask

1 you if this, in fact, is a transcription of the deposition
2 taken in 1981, of Mr. Kuzmuk.

3 I am showing Defendant's Exhibit R for Identification.

4 A. Yes, it is.

5 Q. Thank you, sir. I will ask you to look at Pages 9 and 10
6 of that deposition. Would you look at Page 11, too, I should
7 have suggested. Thank you.

8 Now, in that deposition, Mr. Kuzmuk is discussing the
9 letter which he sent to your attorney, and which you testified
10 to yesterday; is that correct?

11 A. Yes, sir.

12 Q. And does Mr. Kuzmuk say, under oath, in this deposition,
13 that he sent it to you while you were up in the Eglin area?

14 A. He didn't send it to me. He sent it to my then attorney, and
15 because I was in the Eglin area. 16 because I was in the

16 Q. Eglin area. And during what period of time were you in the
17 Eglin area? 17 Eglin area?

18 A. I was there from 22 months back from February of '77. . .

19 Q. And does Mr. Kuzmuk testify that he sent that letter in
20 1976 or 1977?

21 A. Yes.

22 Q. And is that the letter in which he told you that he knew
23 you could not have been involved in the assassination, because
24 he had seen you that day?

25 A. That is correct.

1 Q. So, you knew that in 1976 or 1977; is that correct?
2 A. My recollection is, it was on a later date.
3 Q. According to Mr. Kuzmuk, who sent the letter, you had it in
4 '76 or '77; is that correct? !
5 A. If that is -- that is what he said.
6 Q. When you appeared before the House Select Committee on
7 Assassinations, that was 1978, was it not?
8 A. November of '78.
9 Q. Yes. And you had a prepared statement to read to the House
10 Select Committee on Assassinations; is that correct?
11 A. I did.
12 Q. And you wanted to go before that committee, because of
13 these articles that had been published which linked you to
14 being in Dallas, Texas, in November, '63; is that correct?
15 A. That is correct. Including The Spotlight article.
16 Q. Including The Spotlight article.
17 And you went there for the purpose of proving to the
18 House Select Committee on Assassinations that you were not in
19 Dallas, Texas, but that you were, in fact, in Washington,
20 D. C., on November 22, 1963; is that correct?
21 That was one of the efforts --
22 A. That is your characterization of it. I would like to say
23 that I went there, among other things, to complain about the
24 fact that they hadn't called me earlier.
25 Also, to demand from them, as I did, that they furnish

1 me with a copy of the alleged 1966 CIA memorandum from Angleton
2 to Helms.

3 Q. And when you were there, did you deny that you were
4 involved in the Kennedy assassination?

5 A. Yes, I did.

6 Q. Did you say you were not -- in words or substance, did you
7 say were you not in Dallas, that you were in Washington, D. C.?

8 A. I did.

9 Q. And this was, now, after the date upon which Mr. Kuzmuk
10 states he informed you that he would be your witness?

11 A. According to his recollection,

12 Q. According to his testimony; is that correct?

13 A. His testimony, yes.

14 Q. And is it true that you never told the House Selective Committee
15 on Assassinations, in your prepared, published assassination
16 statement, where you listed your alibi witnesses, that you
17 never mentioned Mr. Kuzmuk's name? 17 never mentioned Mr.

18 A. That is true.

19 Q. And is it true that in that prepared statement, where you
20 listed your alibi witnesses, again on Page 6, including Mary
21 Trainer, your wife's aunt, and Leona Drexler, et cetera, that
22 you never mentioned Mr. Kuzmuk's name, and you never mentioned
23 Miss Mazerov's name?

24 A. That is correct.

25 Q. By then, you knew Mr. Kuzmuk was alive; didn't you?

1 A. Well, I believe that the affidavit that he finally
2 furnished me was dated early 1949.

3 Q. I don't think you mean '49; do you?

4 A. I am sorry.

5 Q. '79 sir?

6 A. '79, yes, sir, 1979. And I -- the best of my recollection
7 is that he provided me with that affidavit within just a couple
8 of weeks after he had made contact with me; which would have
9 been after my testimony before the House Select Committee.

10 Q. So, you are saying Mr. Kuzmuk's testimony, as to when he
11 sent the letter to you, is inaccurate?

12 A. I am not saying that. I am saying his recollection of the
13 date and mine are two different things.

14 Q. And the reason you did not tell the House Select Committee
15 on Assassinations that Mr. Kuzmuk was your alibi witness is
16 that he might have been dead; is that correct?

17 A. That is certainly one of my recollections, yes. If he were
18 dead, I shouldn't have named him.

19 Q. But did you make this statement in your prepared statement
20 for the House Select Committee on Assassinations, describing
21 your activity on November 22, 19 --

22 MR. SNYDER: Where are you reading, please?

23 MR. LANE: Oh, yes. Page 6.

24 "At home with my newly-born son David, D.O.B." --
25 which I will assume is date of birth -- "(9-1-63), a maid, Mary

1 Trainer, and my wife's aunt, the late Leona Drexler, of
2 Chicago."

3 Did you make that statement?

4 A. I did.

5 Q. So, you were not hesitant to tell the House Select
6 Committee on Assassinations that Leona Drexler was an alibi
7 witness for you, although you knew she was dead on that
8 occasion?

9 A. That is correct.

10 Q. Mr. Hunt, you had testified earlier about the tragic
11 accident to your daughter Lisa, and then you said later that
12 she was -- she is integrated back in high school and community
13 life.

14 Is she well now?

15 A. Yes, she is functioning as a wife and mother. She is running

16 MR. LANE: May we just have one moment?

MR. LANE: M

17 BY MR. LANE:

17 BY MR. LANE:

18 Q. Have you testified -- excuse me, I am going to refer to a
19 transcript dated December 16, 1981, which we will mark
20 Defendant's Exhibit S.

21 Have you testified, without going into detail as to
22 where it took place, but the occasion -- Do you recall
23 testifying back on December 16, 1981, that when the allegation
24 was made that you were in Dallas, Texas, on November 22, 1963,
25 your children were really upset?

1 Do you recall testifying to that?

2 A. Yes.

3 Q. Do you recall testifying that you had to reassure them that
4 you were not in Texas that day?

5 A. Yes.

6 Q. That you had nothing to do with the Kennedy assassination?

7 A. That's right.

8 Q. And that you were being persecuted for reasons that were
9 unknown to you?

10 A. Yes.

11 Q. Did you say that your presence on November 22, 1963, the
12 allegation that you were in Dallas, Texas, was the focus for a
13 great deal of inter-family friction, and tended to exacerbate
14 difficulties in the family?

15 A. I did.

16 Q. Mr. Hunt, why did you have to convince your children that
17 you were not in Dallas, Texas, on November 22, 1963, if, in
18 fact, as you say, a 14-year old daughter, a 13-year old daugh-
19 ter, and a ten-year old son were with you in the Washington,
20 D. C., area on November 22, 1963, and were with you for the
21 next 48 hours, as you stayed glued to the T. V. set?

22 A. May I reply?

23 Q. Please. It's a question.

24 A. These were unformed minds, and I felt that it was
25 absolutely imperative that I remind them of the circumstances

1 attendant upon our family that day.

2 Yet, my other son, Howard St. John, had read in the
3 Berkley Barb and in other papers these constant reiterations of
4 my involvement in the Kennedy assassination.

5 So, it was less a question of my convincing them that
6 I was in Washington, D. C., with them, rather, reminding them
7 that I was, than it was to assure them that none of the charges
8 and allegations that had been made, particularly those of the
9 tramp in Dealey Plaza, had any substance to them at all.

10 Q. How could they believe, Mr. Hunt, that the tramp photo-
11 graphs, as they have been called, which purport to show you in
12 Dealey Plaza, Dallas, Texas, on November 22, 1963, could be
13 authentic, when they were with you at that time in the
14 Washington, D. C., area and were with you for 48 hours, in C. 3:
15 front of a T. V. set? 16 front of a T. V. set?

16 MR. SNYDER: Objection. The exact same question SNYDER:
17 just asked a moment ago. 17 just asked a moment ago

18 MR. LANE: No. We are asking now about the...
19 photographs.

20 THE COURT: Overruled.

21 BY MR. LANE:

22 Q. You understand the question?

23 THE COURT: You want to have it read back?

24 MR. SNYDER: Yes, sir.

25 THE WITNESS: No, I think I recall it, Your Honor.

1 THE COURT: Go ahead.

2 THE WITNESS: It will save time, if I can recall it.
3 Please read it back, Counselor.

4 (Reporter read back pending question.)

5 THE WITNESS: Because of the constant reiteration of
6 the charges. The appearance of people like Dick Gregory at
7 news conferences, Dick Gregory call-in radio shows. The
8 prevalence of the theories that Hunt or the CIA somehow had
9 something to do with it.

10 Of course, they were well aware that I worked for the
11 CIA. My name was linked with it, and usually linked in
12 connection with the Kennedy assassination. It was a very
13 difficult problem that I had with my children.

14 BY MR. LANE:

15 Q. I can see, Mr. Hunt, where they might be disturbed that
16 people would believe that.

17 THE COURT: Questions, Counsel.

18 MR. LANE: Yes, it's a question.

19 THE COURT: Make it a question.

20 BY MR. LANE:

21 Q. One can see where they might be disturbed that you were
22 being charged with this.

23 But weren't they of the opinion that they were three
24 people who could tell and prove to the whole world that this
25 was a tissue of lies, that, "I was with my father during that

1 whole time period"?

2 What I want is that in their position, if they knew
3 how outrageous the lies were, why were they upset about it?
4 Why did they have to be convinced by you that you weren't in
5 Texas?

6 A. Reminded, reminded.

7 Q. They didn't remember that themselves?

8 A. The constant reiteration of these charges, in one form or
9 another, had an extremely deleterious effect on my children.

10 I conferred with them, I answered their questions. I
11 gave them every assurance that I was never in Dealey Plaza at
12 any time in my life; not only on the fatal day, but the day
13 before, the day after. In short, ever.

14 That was the type of assurance I was forced to give to
15 my family.

16 Q. Were all of these children with you on the day after the these
17 assassination of President Kennedy? 17 assassination of Presi

18 A. They were, as on during the day of the assassination; that
19 is correct.

20 Q. All right. You testified, Mr. Hunt, that your adult
21 children came to you after it was alleged that you were in
22 Dealey Plaza on November 22, 1963, and said to you, "Is there
23 any truth in this?"

24 Have you testified that was what they said?

25 A. I have. That is "correct."

1 Q. Did, in fact, they say that to you?

2 A. They did.

3 Q. Now, I am going to show you Defendant's Exhibit Q for
4 Identification, which is the deposition that you gave to the
5 House Select Committee on Assassinations, and ask if it is now
6 your testimony that this is just a portion of the information
7 you gave the House Select Committee on Assassinations?

8 A. Yes, this is the unclassified portion. This was the
9 portion that was taken in open session, rather than executive
10 session.

11 Q. Who was there in open session?

12 A. I was there, my attorney was there.

13 Q. Anyone else?

14 A. Well, persons of the -- certainly of the House Committee.

15 Q. Was the press there, any reporter?

16 A. No.

17 Q. Any representative of the public?

18 A. I can't say. There were a great many people there.

19 Q. Were there people there other than those associated with
20 you as your counsel, or those associated with the House Select
21 Committee on Assassinations?

22 A. I don't know.

23 Q. Why do you say this was an open session?

24 A. It was, as opposed to the executive session, I believe it's
25 called.

1 Q. When did you have this executive session conference with
2 the House Select Committee on Assassinations?

3 A. It was the same day. This was the first portion of it.
4 Then came the other session.

5 Q. Did you discuss other matters at the executive session or
6 closed session?

7 A. As I have testified, they ran in teams on me, Counselor.
8 They specialized in different areas, and I responded to their
9 questions, overall, for a period of three to four hours.

10 Q. Have you requested the transcript of that exchange?

11 A. I have never requested it, no, sir, because I know it's not
12 forthcoming.

13 Q. You didn't ask for it, because you know they wouldn't give
14 it to you; is that your testimony?

15 A. Yes, it is.

16 Q. How do you know that?

17 A. Well, I hope you have luck in getting it from the House, you know
18 because that would solve the problem for both of us.

19 Q. You have not made a request for it; is that correct?

20 A. I have not made a request for it, no. I didn't consider it
21 significant.

22 Q. Did you state to the House Select Committee on Assas-
23 sinations, when you testified before them in this session of
24 which we have a transcript, Page 42 -- this is Defendant's
25 Exhibit 2 R for Identification, Page 42 -- did you make this

1 statement:

2 "I can only conclude that a spurious memorandum has been
3 foisted off on this Committee. Whether by the CIA, or by a
4 private individual, I do not know. But I want to reiterate
5 my intense desire to have the Committee either confirm or
6 deny the existence of such a memorandum. And if, in fact,
7 there is a memorandum, spurious or not, make it available
8 to me for my perusal, so that it can be subjected to the
9 normal technical tests, and I can refute it by any means
10 already at my disposal."

11 Did you make that statement?

12 A. I did.

13 Q. If, in fact -- I will show it to you.

14 A. I did.

15 Q. You did.

16 MR. SNYDER: Counselor, I don't believe there was
17 any --

18 THE COURT: Don't address Counsel.

19 MR. SNYDER: I am sorry.

20 THE COURT: Did you have an objection or statement?

21 MR. SNYDER: Yes, Your Honor. I think Mr. Lane added
22 a word that wasn't there.

23 MR. LANE: If I did, I am sorry. Which one? Can I
24 be told?

25 MR. SNYDER: Yes, sir.

1 MR. LANE: I will read it all over. How's that?

2 MR. SNYDER: Fine.

3 BY MR. LANE:

4 Q. Starting with Page 42 -- in fact, maybe we should read it
5 together. If I make any reading errors, you can correct me as
6 we go along.

7 Is this your testimony before the House Select
8 Committee on Assassinations?

9 A. It is.

10 Q. And taken on November 3, 1978?

11 A. It is.

12 Q. Now turning to page 42, which is third from the last page;
13 is that correct?

14 A. That is right.

15 Q. And then going over to page 42: 15 Q. And then going over to

16 "I can only conclude that a spurious memorandum has only
17 been foisted off on this Committee. Whether by the CIA, or
18 by a private individual, I don't know. But I want to
19 reiterate my intense desire to have the Committee either
20 confirm or deny the existence of such a memorandum. And
21 if, in fact, there is a memorandum, spurious or not, to
22 make it available to me for my perusal, so that it can be
23 subjected to the normal technical tests, and I can refute
24 it by means already at my disposal."

25 Did you so testify?

1 A. I did.

2 Q. What did you mean when you said to the Select Committee
3 that you "can only conclude that a spurious memorandum has been
4 foisted off on this Committee. Whether by the CIA or by a
5 private individual?"

6 A. I think that is self-explanatory, Counsel. I said that I
7 could only conclude that a memorandum, spurious or not, had
8 been foisted off on the Committee by the CIA or by a private
9 individual.

10 That was a conclusion I made at that time, based upon
11 the charges that have been made, and the publicity attendant
12 upon the sudden discovery of this memorandum.

13 Q. Where had you heard about that memorandum before you
14 testified in November?

15 A. I had heard about it in The Spotlight article, and I had
16 heard about it some days later, in connection with a
17 publication of the Wilmington, Delaware, newspaper.

18 Q. And then you believed The Spotlight article and the
19 Wilmington newspaper? Is that your testimony?

20 A. I thought it was certainly possible that a memorandum was
21 being circulated, yes.

22 Q. What made you think that perhaps the CIA had prepared a
23 spurious memorandum?

24 A. Simply because -- I didn't say that I believed it.

25 Q. What made you consider that?

1 A. I considered the possibility because of the nature of the
2 charges that had been made, the inclusion of the names James
3 Angleton and Richard Helms in the article.

4 Q. Did you have any other information which led you to make
5 the statement that you can only conclude that a spurious
6 memorandum had been foisted off on the Committee, other than
7 the reference to the article in Spotlight and the reference to
8 it in the Wilmington News Journal, I think it's called?

9 A. There may have been, but I don't recall it at the moment.
10 It was very upsetting to me, very distressing.

11 Q. No, I understand that, but that wasn't my question.

12 My question is, was there any other source? It's not
13 a question of how it affected you.

14 Was there any other source which you relied upon for
15 your statement that you "can only conclude that a spurious
16 memorandum had been given to the Committee?"

17 Was there any other source which led you to that
18 conclusion, other than The Spotlight article, which is the
19 basis of this lawsuit, and the Wilmington News Journal article?

20 A. I thought I had answered your question. My answer is no.

21 Q. What did that memorandum state, just so we are sure we are
22 talking about the same memorandum?

23 A. I think that perhaps some more discussion ought to be, or
24 some identification ought to be given to the memorandum.

25 Shall I go ahead and describe the contents? Because

1 we don't have it. There is no such memorandum. It's not going
2 to be placed in evidence. I am talking about a fabrication,
3 and at your behest, I am perfectly willing to.

4 Q. Have you read the testimony of Joseph Trento in this case?

5 A. No, I have not.

6 Q. Well, let's get the Trento deposition. You know Joseph
7 Trento is --

8 A. I do.

9 Q. You have been questioned about Mr. Trento's article in the
10 past; have you not?

11 A. I have.

12 Q. By me, at a deposition?

13 A. Yes.

14 Q. So, you are familiar with the piece?

15 A. I am familiar with his name, and with portions of the
16 article in question.

17 Q. Do you know who Mr. Trento is?

18 A. I know that he was a writer, a journalist, on a Wilmington
19 newspaper at one time.

20 Q. That is the Wilmington News Journal?

21 A. At least the Wilmington Sunday News Journal.

22 Q. And do you know that he is now employed as a journalist for
23 Cable News Network, in Washington, D. C.?

24 A. I believe I have heard you make that representation.

25 Q. And did he write an article in which he stated there was a

1 CIA memorandum circulating about stating, in essence, that you
2 were in Dallas, Texas, on November 22, '63?

3 A. He co-authored an article with Jack -- a lady named Jackie
4 Powers. The article said that, in effect -- and if you want to
5 read it, it's fine with me -- but I will paraphrase it.

6 The best of my recollection, that a memorandum had
7 suddenly surfaced, an internal CIA memorandum, addressed from
8 James Angleton, then Chief of Counterintelligence, to Richard
9 Helms, then Director, dated 1966, saying, in effect, "Someday,
10 we are were going to have to explain Hunt's presence in Dallas,
11 November 22, 1963."

12 I believe that is an accurate representation of the
13 matter.

14 Q. When did you see that article for the first time?

15 A. The Wilmington article?

16 Q. Yes.

17 A. Oh, some days after it was published. Probably three or
18 four days.

19 Q. All right. I show you what has been marked as Defendant's
20 Exhibit T for Identification, and ask you if this is the
21 article which you have been referring to?

22 THE COURT: While he is looking at that, let's have a
23 quick sidebar. I do not need the reporter.

24 (Sidebar off the record.)

25 THE WITNESS: Is a question pending?

1 BY MR. LANE:

2 Q. Mr. Hunt, is this the article to which you have been
3 testifying?

4 A. It is.

5 MR. LANE: I offer this in evidence, Your Honor.

6 THE COURT: Any objection?

7 MR. SNYDER: Yes, Your Honor.

8 THE COURT: There is objection?

9 MR. SNYDER: Yes.

10 THE COURT: Grounds?

11 MR. SNYDER: We are going the object to Mr. Trento's
12 entire deposition testimony.

13 THE COURT: Grounds?

14 MR. SNYDER: Well, the grounds he has failed to
15 reveal his sources, claiming a journalistic privilege. Under
16 the case of Herbert v. Lando, we are entitled to --

17 THE COURT: Ladies and gentlemen, we'll let you be
18 excused for a moment.

19 Marshal -- do we have a marshal? Take the Jury to the
20 Jury Room, please.

21 (Jury out at 12:50 p.m.)

22 MR. DUNNE: Your Honor, Mr. Trento's deposition was
23 taken by Mr. Lane, and Mr. Lane questioned Mr. Trento at length
24 about every single sentence and paragraph in the article.

25 And every response by Mr. Trento, when asked "What

1 does that mean?" Mr. Trento's response was, his unequivocal --
2 his response was, "The article speaks for itself."

3 Now, Mr. Trento was represented by counsel at that --
4 his own private counsel -- at that deposition, who was
5 continually advising him not to answer questions, for whatever
6 reason.

7 Now, when he was pressed by Mr. Lane to state any of
8 his sources, in each paragraph he was asked, "Who were your
9 sources?" He would say, "I had sources, and who were they, I
10 refuse to answer. I take the journalistic privilege."

11 Now, as we know, the Supreme Court places a very high
12 burden on plaintiffs in libel cases to prove a state of mind.
13 And the Supreme Court has also said, since we have to prove
14 what amounts to the mental state of a publisher, we are entit-
15 tled to inquire into the publication, its sources, et cetera, et
16 cetera. And that is clearly the law today. cetera. And that is

17 Mr. Lane is going to attempt to introduce this article is
18 ticle, and thereafter, I assume, Mr. Trento's testimony con-
19 cerning it.

20 Mr. Trento refused to tell anyone who his sources
21 were, where he got the information. And in fact, he does
22 testify in his examination that he saw the memo. And when he
23 was asked, "Who gave it to you?"

24 "I won't tell you.

25 "Where did you see it?

1 "I won't tell you."

2 He wouldn't give us any information. It does not
3 allow for an inquiry. I submit to the Court that is not a
4 chance to cross-examine a witness.

5 We were never entitled to cross-examine this witness,
6 because he wouldn't tell us anything. It's as if he could walk
7 into this courtroom and say, "I am the king of France," and we
8 say, "What do you base it on?"

9 "I am not going to tell you, but somebody told me, and
10 that is what I rely on."

11 And the Supreme Court has clearly said that when
12 someone publishes an article, and they are sued for libel, they
13 have to tell what their sources were, so that the plaintiff,
14 who has this high standard, will have a chance to prove to the
15 Court and to the Jury those facts that would meet the New Times
16 versus Sullivan standard.

17 That is the reason we object to the article and
18 Trento's testimony.

19 MR. SNYDER: There is also a second reason. That is
20 highly, highly prejudicial material in this here, including a
21 letter supposedly written by Lee Harvey Oswald, to Mr. Hunt.

22 It says, "Dear Mr. Hunt, I would like information
23 concerning my position. I am asking only for information. I
24 am suggesting that we discuss the matter fully before steps are
25 taken by me or anyone else. Signed, Lee Harvey Oswald."

1 The article goes on to speculate that the Mr. Hunt
2 that is being written to, supposedly this unauthenticated
3 letter of Mr. Oswald, is the Texas oilman, H. L. Hunt. But,
4 then says maybe it could have been E. Howard Hunt, the
5 Watergate fellow.

6 This is hearsay, upon hearsay, upon hearsay. There
7 has never been a shred of evidence. If the Jury gets to see
8 this article, it could be a disaster for this case. Nothing
9 could be more prejudicial. It's a hit and run attack, and we
10 cannot permit it.

11 MR. LANE: In one respect, the motion before the
12 Court is premature in that I have not offered the deposition of
13 Mr. Trento, but merely the article. There is material in there
14 which Mr. Hunt would prefer not be published, and I think the
15 Jury is entitled to see that.

16 I don't know what Mr. Snyder means when he -- means know
17 when he said we can't permit it. I don't think we actually can't
18 will make that decision.

19 But it seems to me the Jury has a right to know,
20 certainly on the question of damages, whether someone else was
21 saying exactly the same thing.

22 In another regard, if we are dealing now with the
23 deposition itself, the application is tardy. We deposed Mr. --

24 THE COURT: I am ruling, Counsel, just so we keep --
25 I am not ruling anything about the deposition.

1 MR. LANE: Very well. Your Honor, I won't address
2 the questions --

3 THE COURT: At this point, I am only ruling on whether
4 or not this document should come into evidence. Because of the
5 nature of the problems, I am going to put it on the back burn-
6 er.

7 And I am not going to allow you to introduce this
8 until your case in chief. That is when I will consider it, at
9 the introduction.

10 MR. LANE: We would then, of course, Your Honor, ask
11 that Mr. Hunt be made available to us.

12 THE COURT: Mr. Hunt?

13 MR. LANE: To call in our case in chief.

14 THE COURT: No question. I will have Mr. Hunt, or any
15 witness you want, available for your case in chief. Thank you.

16 MR. LANE: All right, now, therefore, I have talked
17 about this article already.

18 Is the Court stating that I can't now discuss it any
19 further, or just can't offer it in evidence?

20 THE COURT: Well, at this point I am just not allowing
21 you to offer it in evidence. If it's not in evidence, you are
22 extremely limited on the method of inquiry.

23 MR. LANE: Yes, but I do wish to ask Mr. Hunt. I
24 don't want to surprise the Court or the other side. I do --

25 THE COURT: Nothing has surprised me in years.

1 MR. LANE: Beg pardon?

2 * THE COURT: Nothing has surprised me in years.

3 MR. LANE: Then I will try, Judge. I would like to
4 ask Mr. Hunt about the statements made by Mr. Trento in the
5 deposition. I would not do that if the Court tells me in
6 advance not to.

7 THE COURT: I think at this point you ought to be able
8 to inquire with reference to the statements made that are
9 similar to the statements made in the publication, which is the
10 nature of the issue before the Court.

11 MR. LANE: Thank you.

12 THE COURT: And limit it to that only.

13 MR. LANE: Yes, Your Honor.

14 MR. DUNNE: If I may, I don't understand what Mr. Lane
15 meant by statements made by Mr. Trento, if he meant to say
16 things that were said in the article? 16 things that were said

17 THE COURT: Well, we'll see, question by question.

18 MR. DUNNE: If he is going to talk about what Mr.
19 Trento actually spoke in his deposition, we vehemently object
20 to that.

21 THE COURT: I think I have announced -- I think
22 Counsel understands my ruling. If he doesn't, I certainly will
23 sustain your objection when you jump to your feet and object.

24 All right. It is a good time -- how much more time
25 are you going to need, Counsel? 25 are you going to need

1 MR. LANE: For Mr. Hunt, I don't know, Your Honor.
2 We'll be going on some time. This would be a good time for
3 lunch, if you are going to ask that question.

4 MR. SNYDER: Could we be heard one more time? There
5 is yet another problem. The Trento article was published after
6 The Spotlight article.

7 THE COURT: Counsel, it would seem to the Court that
8 it just logically follows, as a question of your contention of
9 damages.

10 MR. SNYDER: But, Your Honor, it can't possibly be
11 relevant to the issue of their mental state when they published
12 the Marchetti article.

13 THE COURT: That may or may not.

14 MR. LANE: That is correct. We are not offering it
15 for that reason.

16 THE COURT: It may well seem to me it would be
17 relevant as to what effect it had upon your client, and the
18 elements of his damages. I mean, if two folks are saying nasty
19 things, which one do you pick as saying the most nasty?

20 MR. LANE: Then, Your Honor, to show you what else is
21 coming --

22 THE COURT: I just said that.

23 MR. LANE: It's true, to tell you what else is coming.
24 This article then became an AP story, was circulated all around
25 the entire country, and a little Spotlight article disappeared

1 from sight. This was national.

2 THE COURT: I have limited you to any statements that
3 are similar to that which --

4 MR. LANE: I understand.

5 THE COURT: -- which appears.

6 MR. LANE: We'll abide by the Court's rulings, of
7 course.

8 THE COURT: All right. You want to take a break at
9 this time? I don't want to get into any of that part about
10 Oswald letters, or any of that kind of --

11 MR. LANE: I understand, Your Honor.

12 THE COURT: All right.

13 MR. LANE: Of course.

14 THE COURT: Bring the Jury in, please, Marshal. Court:
15 45 minutes be enough for lunch? 45 minutes

16 MR. LANE: You have been very generous, Your Honor:
17 with the luncheons, and it's another example of this. 45
18 minutes will be fine, Your Honor.

19 THE COURT: I was only going to give you a half hour.

20 MR. LANE: I know that. I understand that.

21 THE COURT: I have extended it 15.

22 MR. LANE: Yes, I appreciate it.

23 THE COURT: Unless you demand we do it in a half hour.

24 MR. LANE: If not, I will be vehement, Your Honor.

25 (Jury entered at 12:58 p.m.)

1 THE COURT: Ladies and gentlemen, we are going to
2 recess at this time. It appears to be a good place to take a
3 break. It's just a minute or two before 1:00. We'll be in
4 recess for 45 minutes. Just come back in 45 minutes. That
5 will be a quarter of 2:00.

6 During this recess, again, of course, don't discuss
7 the matter amongst yourselves. Don't let anyone discuss the
8 case with you. Don't let anyone discuss any of the people that
9 may be involved, the parties themselves, or anyone primarily
10 involved in the case.

11 Of course, don't form or express any opinion about the
12 merits of this case until all of the proceedings have unfolded
13 before you.

14 Any other requested instructions, at this time, to
15 this Jury, from the Plaintiff?

16 MR. SNYDER: No, Your Honor.

17 THE COURT: The Defendant?

18 MR. LANE: No, Your Honor.

19 THE COURT: We'll be in recess until a quarter of
20 2:00. Also, if you have some family or loved ones that may be
21 anticipating you at any particular time, tell them we are going
22 to work a little overtime tonight, to make up for our morning
23 recess. All right, thank you.

24 (Jury out at 12:59 p.m.)

25 (Noon recess from 12:59 p.m. to 1:45 p.m.)

1 AFTERNOON SESSION

2 (Call to the order of the court.)

3 THE COURT: Bring the Jury. Marshal, bring the Jury,
4 please.

5 (Jury entered at 1:45 p.m.)

6 THE COURT: All right, everyone please be seated.

7 Continue with your cross-examination.

8 MR. LANE: Thank you, Your Honor.

9 CROSS EXAMINATION (Cont'd.)

10 BY MR. LANE:

11 Q. Now, Mr. Hunt, you testified, just before the recess,
12 regarding your appearance before the House Select Committee on
13 Assassinations, in reference to your statement:

14 "I can only conclude that a spurious memorandum has
15 been foisted off on this Committee. Whether by the CIA or by
16 private individual, I don't know about that, private individual

17 Stating one of the reasons you went there was to
18 confront them about this question. And one of the reasons that
19 you thought it might have been a spurious memorandum prepared
20 by the CIA is because the names Angleton and Helms appeared in
21 the press account; is that correct?

22 A. That is correct.

23 Q. Now I have shown you Exhibit No. 1, in evidence, which is
24 the article which appeared in The Spotlight, which is the basis
25 of this lawsuit; is that correct?

1 A. That is correct.

2 * MR. LANE: I wonder, Your Honor, if the Marshal can
3 distribute this to the Jurors at this time?

4 THE COURT: All right. Did we save those? I guess
5 so.

6 MR. LANE: They're here.

7 THE COURT: Marshal, would you please distribute a
8 copy of this article that is on this desk to each Juror?

9 A JUROR: Can they make it little cooler in here?

10 THE COURT: I'll try. We are governed by GSA. Now,
11 that is a governmental agency. Their sole purpose in life is
12 to humble Federal Judges. And trust me, this will go through
13 Washington, and the request will be made. We'll have all kinds
14 of little memos come back to us, and we probably will not get
15 it cooler. But, I will make the request.

16 A JUROR: Okay. Thank you.

17 THE COURT: Everybody have a copy now?

18 BY MR. LANE:

19 Q. Now, you have that in front of you. I ask you to examine
20 that carefully, and show me where the name Angleton appears in
21 The Spotlight article, or where the name Helms appears in The
22 Spotlight article?

23 A. It did not appear in The Spotlight article.

24 Q. Now, I am going to show you Defense Exhibit T for
25 Identification, which is the article written by Mr. Trento and

1 Miss Powers, which appeared in the Sunday News Journal, of
2 Wilmington.

3 THE COURT: Counsel, just so we keep our records
4 straight, because of the discussion of the ruling of the Court,
5 I make a presumption you are not offering this to prove the
6 truth of the matter asserted.

7 MR. LANE: I am not even offering it at all. I am
8 just going to show --

9 THE COURT: Is it my understanding you are not
10 offering it to prove the truth of the matter?

11 MR. LANE: Exactly, Your Honor.

12 THE COURT: When you get to that point, let me know,
13 please.

14 BY MR. LANE:

15 BY MR. LANE:

16 Q. I am now showing you Defendant's Exhibit T for identification,
17 which is, in fact, the Wilmington article, and I ask,
18 you if, within that article, you see the names Angleton and
19 Helms associated with the memorandum?

20 A. I do.

21 Q. Is it not a fact, Mr. Hunt, that it was the Wilmington
22 paper, not The Spotlight article, which led you to go before
23 the House Select Committee on Assassinations and state that the
24 spurious memorandum may have been prepared by the CIA?

25 A. No, sir.

Q. You testified earlier that the reason you came to that

1 conclusion is because you read the names Helms and Angleton
2 associated with that memorandum; is that correct?

3 A. That is correct.

4 Q. And those names, Helms and Angleton, do not appear in The
5 Spotlight piece?

6 A. They do not.

7 Q. They do appear in the Wilmington piece?

8 A. That is correct.

9 Q. Did you read any other document, other than The Spotlight
10 and the Wilmington piece, before you heard about a memorandum,
11 CIA memorandum, before you went before the House Select
12 Committee on Assassinations?

13 A. No, sir.

14 MR. LANE: All right. This time, Your Honor, I offer
15 T for Identification in evidence.

16 MR. SNYDER: Objection.

17 THE COURT: Sustained.

18 MR. LANE: And I offer it not for the truth of it,
19 but to demonstrate --

20 THE COURT: I have already ruled on it, Counsel.

21 MR. LANE: Then I wouldn't argue.

22 THE COURT: I told you we had reserved it until your
23 case in chief.

24 MR. LANE: Yes, sir.

25 THE COURT: I will permit a limited scope, which I

announced, which you are not offering to prove the truth of the matter asserted.

MR. LANE: Very well, Your Honor.

THE COURT: But for another relevant purpose.

BY MR. LANE:

Q. Does the Sunday News Journal, of Wilmington, Delaware, state that according to sources close to the Select Committee on Assassinations --

THE COURT: Excuse me for interrupting you, but we must advise the Jury, when you get into that portion, that you are offering it not to prove the truth of the matter asserted. Otherwise, it would obviously be hearsay.

MR. LANE: Yes, sir.

THE COURT: So, the next series of questions are not offered to prove the truth of the matter? offered to prove the

MR. LANE: That is correct.

MR. LANE:

THE COURT: The relevancy is, and it's being offered for what proof?

MR. LANE: First of all, the question of proving that Mr. Hunt went before the Select Committee because of this article, not because of The Spotlight.

And, secondly, whether the article is true or not; and on the question of damages

THE COURT: All right, ladies and gentlemen, as I previously instructed you, if a question that --

1 Counsel, you must delineate very carefully those
2 questions which you are not offering to prove the truth of the
3 matter.

4 The next questions and the answers are relevant only
5 for the limited purpose that Counsel has announced. You may
6 not consider the question -- the answer to the following
7 question to prove the truth of the matter that is asserted in
8 this other article. You understand that? All right.

9 MR. SNYDER: One other admonition the Plaintiff
10 requests. May we approach the Bench?

11 THE COURT: Yes, sir.

12 (Sidebar conference as follows:)

13 MR. SNYDER: Your Honor, it was another part of the
14 Court's ruling, before the lunch break, that Mr. Lane can't
15 even cross-examination on the basis of the article, except to
16 the extent that the Trento allegations dovetail and overlap
17 with The Spotlight article.

18 THE COURT: Well, I think it's legitimately expanded
19 that to include the other inquiry. Your objection will be
20 noted and overruled.

21 MR. SNYDER: Excuse me, Your Honor, Mr. Lane. Your
22 Honor, I was merely repeating what I thought the Court's ruling
23 was.

24 THE COURT: Well, then, you are correct. It's what I
25 announced at that time, because he had only announced what was

[]
12

1 relevant as would pertain to damages. It now appears to the
2 Court that it is relevant as to whether or not this article
3 that is the subject matter of this suit was the motivating
4 force for his appearance, or another article, or a combination
5 of the two.

6 MR. SNYDER: That is fine, Your Honor. I allowed
7 Mr. Lane to ask the question, without objection, as to whether
8 Helms and Angleton were named in the Wilmington article. That
9 does not overlap The Spotlight article. It goes beyond it.
10 I'd like --

11 THE COURT: Your objection is noted and overruled, but
12 I -- don't get into any of the other.

13 MR. LANE: No, I wouldn't go into the area about the
14 letter from Oswald.

15 MR. SNYDER: Or the fact that the Director, Helms, is
16 a mole inside the Agency, and that sort of thing inside the Agency.

17 THE COURT: No, sir.

18 MR. LANE: I certainly am not interested in going --

19 THE COURT: Counsel has not disrupted, or disobeyed
20 any order so far I have given him, so I have no reason to think
21 he would do so.

22 MR. LANE: I take the Court's directions very
23 seriously, Your Honor. Of course, thank you.

24 (Sidebar ended.)

25 BY MR. LANE:

1 Q. Does the Sunday News Journal article, which you read before
2 you went before the House Select Committee on Assassinations,
3 state that a secret CIA memorandum says that E. Howard Hunt was
4 in Dallas the day president John F. Kennedy was murdered, and
5 that top Agency officials also plotted to cover up Hunt's
6 presence there?

7 A. Is that a question? Is a question pending?

8 Q. Yes. Is that --

9 A. I am sorry. I didn't get your inflection.

10 Q. Do you have a copy of this article?

11 A. No, I don't.

12 Q. I am going to give you Defense Exhibit T for
13 Identification, which is the article published in Wilmington,
14 Delaware.

15 Do you know if the Sunday News Journal is a Gannett
16 publication?

17 A. I understand that it is.

18 Q. Do you know whether or not this article became the basis of
19 a news story published throughout the United States by the
20 Associated Press?

21 MR. SNYDER: Objection.

22 THE COURT: Objection sustained at this point.

23 Counsel, I think it's best to stay on the rulings that
24 the Court has made. We are into an area I'd prefer to proceed
25 slowly on. Go.

1 speculation.

2 . There has been no predicate, no foundation for this
3 kind of a wild accusation in this courtroom.

4 MR. LANE: Are you finished?

5 MR. SNYDER: Yes.

6 MR. LANE: Your Honor, Mr. Hunt testified on direct
7 examination on numerous occasions that he thought allegations
8 in The Spotlight said that he had killed John F. Kennedy, and
9 was sent by the CIA to do it. That was his interpretation, he
10 said.

11 We are entitled to deal with this question. It's
12 certainly a question of damages.

13 MR. SNYDER: But it does not say John F. Kennedy; it
14 says Lee Harvey Oswald. That he was sent to kill Oswald.

15 THE COURT: Anything further?

16 MR. LANE: No.

17 THE COURT: Your objection is sustained. Don't go
18 through that paragraph.

19 MR. LANE: Maybe while we are at the bench, we can go
20 through each paragraph. Would you prefer that, or --

21 THE COURT: I already ruled I want you to stay that.
22 If we have to come back, we will.

23 (Sidebar conference ended.)

24 BY MR. LANE:

25 Q. Paragraph 3, Mr. Hunt, does it read as follows: --

1 MR. SNYDER: Your Honor, object again. This is
2 brand new material, not mentioned in The Spotlight article.

3 THE COURT: All right, I will have to go over it
4 again, if that is --

5 (Sidebar conference as follows:)

6 MR. LANE: That has been discussed several times
7 already during this trial. And it is in the article, as a
8 matter of fact.

9 MR. SNYDER: Absolutely not.

10 THE COURT: Anything further?

11 MR. SNYDER: No, sir.

12 THE COURT: Objection is sustained. I won't allow
13 that in at this time.

14 (Sidebar conference ended.)

15 BY MR. LANE:

16 Q. Does Paragraph No. 4 read:

17 "The 1966 secret memo now in the hands of the House
18 Assassination Committee places Hunt in Dallas, November 22,
19 1963"?

20 A. That is what that paragraph reads.

21 Q. Does the next paragraph read --

22 MR. SNYDER: Objection to the next paragraph, Your
23 Honor. More new material.

24 MR. LANE: Oh, well, this is what the Court ruled on
25 already, I think.

1 THE COURT: Sidebar.

2 (Sidebar conference as follows:)

3 THE COURT: Objection is overruled. I will allow you
4 to go into the paragraph.

5 (Sidebar conference ended.)

6 THE COURT: I remind the Jury that every answer,
7 everything about this, you may not consider for the truth of
8 the matter that is asserted in that article.

9 ... Anybody figure they can't be very candid with me?
10 Anybody feel they can't dissect this testimony in the manner I
11 am telling you that you must, that you can't consider it as
12 proving the truth of the matter asserted therein?

13 Everyone understand? All right.

14 BY MR. LANE:

15 Q. Does the next paragraph read:

16 "Mr. Hunt, Richard Helms, former CIA director, and
17 James J. Angleton, former Counterintelligence Chief,
18 initiated the memo, according to investigators, who made
19 the information available to the Sunday News Journal?"

20 A. It so reads.

21 Q. Does the next paragraph read --

22 MR. SNYDER: Objection, Your Honor. This is very,
23 very immaterial.

24 THE COURT: Well, come up. Let me decide.

25 (Sidebar conference as follows:)

1 MR. SNYDER: This next paragraph, Your Honor,
2 involves the three subparagraphs, with the dots in front of
3 them.

4 MR. LANE: This is the substance of this Spotlight
5 piece, Your Honor.

6 MR. SNYDER: Do you have a copy of this for the
7 Court? I don't have one.

8 MR. FLEMING: We can get one.

9 THE COURT: Objection is sustained. It's not within
10 the confines of my ruling.

11 (Sidebar conference ended.)

12 MR. SNYDER: Thank you, Your Honor.

13 BY MR. LANE:

14 Q. Going to the column on the right, on the front page, the
15 first full paragraph, beginning "CIA sources," does the article
16 read: 16 read:

17 "CIA sources providing the Assassination Committee
18 with material pertaining to Hunt's alleged presence in
19 Dallas say that Hunt's story about shopping in downtown
20 Washington was a cover-story, concocted as result of the
21 memo?"

22 Next, they say:

23 "All Hunt's witnesses are CIA arranged, and that his
24 wife can't be questioned, because she was killed in a plane
25 crash."

1 A. That is what the paragraph reads.

2 Q. The next paragraph reads:

3 "The Assassination Committee will have open hearings
4 this fall on the Kennedy murder."

5 That is what the next paragraph reads?

6 A. Yes.

7 Q. Does the next paragraph read --

8 MR. SNYDER: Objection, Your Honor. New material.

9 THE COURT: All right, sidebar.

10 (Sidebar conference as follows:)

11 MR. SNYDER: There is no one named Dawn Miller
12 referred to in The Spotlight article.

13 MR. LANE: Yes, but --

14 MR. SNYDER: Nor is any official of the Assassination
15 Committee quoted in The Spotlight, Your Honor.

16 THE COURT: Objection is sustained.

17 (Sidebar conference ended.)

18 MR. SNYDER: Thank you, sir.

19 BY MR. LANE:

20 Q. Turning to the next page, Mr. Hunt, I intend to read the
21 second full paragraph.

22 MR. LANE: I am saying that so if there is an
23 objection, you can make it.

24 MR. SNYDER: The first word of which is "when?"

25 MR. LANE: Yes.

1 MR. SNYDER: I object, Your Honor.

2 (Sidebar conference as follows:)

3 MR. SNYDER: The paragraph beginning, "When Angleton
4 was questioned --" There is no report in The Spotlight article
5 of Angleton being questioned, not the slightest suggestion that
6 he was evasive.

7 MR. LANE: Your Honor, that is true, because the names
8 are not mentioned, Angleton and Helms. But it is these names
9 which led Mr. Hunt to go to the House Select Committee on
10 Assassinations.

11 THE COURT: Objection is sustained.

12 (Sidebar conference ended.)

13 MR. SNYDER: Thank you, sir.

14 BY MR. LANE: BY MR. LANE:

15 Q. I am going to invite your attention to the second column on
16 that page, the first sentence in the last full paragraph -- first

17 MR. SNYDER: Objection. Sidebar.

18 (Sidebar conference as follows:)

19 MR. LANE: It's the one sentence, which begins,
20 "Hunt's appearance -- "

21 THE COURT: Where it is that, Counsel?

22 MR. LANE: It's "Hunt's appearance." Just that one
23 sentence. That is what the article said. That is what the
24 article --

25 THE COURT: Objection sustained.

(Sidebar conference ended.)

* MR. LANE: Independent of -- for the record, Your Honor, I would like to read at this time the entire document to the witness. I will not go through paragraph after paragraph.

THE COURT: Well, as I told you, I ruled, and you have meticulously obeyed my ruling. I have also told you that at the later time, in your case in chief, I would consider other matters.

MR. LANE: For matters of the record, I make the request.

THE COURT: You make the request at this time. It is denied at this time.

MR. LANE: Thank you. That will save some time.

THE COURT: All right.

BY MR. LANE:

Q. Did you ever file a lawsuit against the News Journal of Wilmington, Delaware, for that article?

A. No, sir, I did not. I am a man of limited means, and I can't afford to sue everyone, kooks included, who make false, defamatory statements about me.

Q. Is Mr. Trento a kook?

A. I didn't say that.

Q. No. I am asking you that.

A. I don't know if he is or not. He is certainly an assassination buff.

1 Q. Mr. Trento is an assassination buff?

2 A. Yes, Mr. Trento is.

3 Q. On what do you base that statement?

4 A. Upon his compilation of this particular article.

5 Q. Do you know Mr. Trento has testified that he has never
6 before --

7 MR. SNYDER: Objection, objection, Your Honor.

8 THE COURT: I will have to wait until I hear the
9 question.

10 MR. LANE: Thank you.

11 BY MR. LANE:

12 Q. Do you know --

13 MR. SNYDER: Could we approach the bench, and let
14 him --

15 THE COURT: No. The Jury is not going to infer COURT:
16 anything from any question that goes unanswered, because I have
17 instructed them; is that correct?

18 THE JURORS: Yes, sir.

19 THE COURT: Go ahead.

20 BY MR. LANE:

21 Q. Do you know that Mr. Trento has testified at a deposition
22 in this case, at which your attorney was present, that in his
23 entire life as a journalist, he had written, at the time of
24 this article, August of 1978 -- that that was, in fact, the
25 only article he had ever written which in any way related to --

1 the assassination of President Kennedy?

2 * MR. SNYDER: Renew our objection.

3 THE COURT: Objection overruled.

4 BY MR. LANE:

5 Q. Did you know that?

6 A. No.

7 THE COURT: Counsel, I believe the Court has
8 announced, with reference to that deposition, however, the
9 posture of the Court with reference to it. We might save some
10 time.

11 MR. LANE: I beg your pardon?

12 THE COURT: I think I have announced that that also
13 will be reserved for a later portion.

14 MR. LANE: Yes. I am now going into a deposition of
15 Mr. Hunt, where some questions were asked about Mr. Trento.

16 THE COURT: Thank you.

17 MR. LANE: And no objection was made at that time.

18 THE COURT: All right. I just want to be reminding
19 everyone of the Court's rulings.

20 MR. LANE: Yes, I certainly will, Your Honor.

21 THE COURT: All right.

22 MR. SNYDER: Your Honor, could Mr. Lane tell me what
23 he is planning to read from?

24 THE COURT: He will give you a page, when he finds it.

25 MR. LANE: Yes, I am. Thank you, Your Honor. Page 13

1 of Defense Exhibit N for Identification.

2 MR. SNYDER: What is that?

3 MR. LANE: What is it?

4 MR. SNYDER: Mr. Hunt's deposition?

5 MR. LANE: We are not allowed to talk, but, yes, Page
6 15.

7 BY MR. LANE:

8 Q. This is Defendant's Exhibit N for Identification, which is,
9 in fact, the deposition which you testified on July 11, 1984.

10 On that occasion, did I ask you about whether or not
11 Mr. Trento called you when he was writing that article? Do you
12 recall that discussion?

13 A. Vaguely, yes.

14 Q. Mr. Trento said that he had called you and asked you if you
15 were in Dallas on November 22nd, and you said you replied you
16 had plenty of witnesses to prove that you were not a witness

17 Do you recall that discussion with Mr. Trento?

18 A. No, because my -- I have no recollection that Mr. Trento
19 called me at any time.

20 Q. Mr. Trento also -- do you recall this question being put to
21 you? It's the bottom of page 15. Do you recall this question:

22 "Mr. Trento also testified that he asked you to
23 provide the names of --"

24 MR. SNYDER: Objection, Your Honor.

25 MR. LANE: This is now a question put to Mr. Trento.

1 MR. SNYDER: This is Mr. Trento testifying. We are
2 going to ask that he not be allowed to testify, for reasons
3 already announced to the Court.

4 MR. LANE: Your Honor, this is --

5 THE COURT: I don't know about that. Let me hear the
6 question.

7 MR. LANE: This is the Hunt deposition. The question
8 asked of --

9 THE COURT: I understand that.

10 MR. LANE: Without objection.

11 BY MR. LANE:

12 Q. "Mr. Trento also testified that he asked you to
13 provide the names of some of these "plenty of witnesses,"
14 but that you refused to provide him with the names in
15 August of 1978."

16 Do you recall that conversation?

17 A. No, sir.

18 Q. Do you recall my asking you that at the deposition?

19 A. If you read it from the transcript, I recall it, yes.

20 Q. Well, is this your deposition, taken on July 11, 1984?

21 A. It is.

22 Q. And the question which I just read to you, does that appear
23 at the bottom of Page 15 of that deposition?

24 A. It does, and my answer.

25 MR. SNYDER: Your Honor, I would ask that Mr. Lane be

1 required to read the next question and answer.

2 THE COURT: Counsel, he has requested -- Counsel --

3 MR. LANE: Yes, sir.

4 THE COURT: He has requested a 106 request, that --

5 MR. LANE: Yes, I am going to go on with the
6 deposition, Your Honor. I just have to do it a sentence at a
7 time, because I only --

8 THE COURT: Request is granted, under 106. Read the
9 next question and answer.

10 BY MR. LANE:

11 Q. And was your answer to that question:

12 "No, sir, I don't. Again, to simplify this, I don't
13 recall ever receiving a call from Mr. Trento, or anyone
14 purporting to represent him."

15 Did you make that answer? 15 Did you make

16 A. I did. 16 A. I did.

17 Q. And then were you asked this question:

18 "You are not saying now, I take it, that you did not
19 talk to Mr. Trento; merely that you don't recall talking to
20 him?"

21 Answer: "I have no recollection of such a
22 conversation. That is right. And given the gravity of
23 these charges, I am pretty sure I would remember something
24 like that."

25 Question: "Are you saying that you doubt that you

1 talked to Mr. Trento?"

2 Answer: "Yes."

3 Do you recall those questions and answers?

4 A. I do.

5 Q. All right. Do you recall being asked this question, at
6 that deposition, question asked by me:

7 "Do you know if you suffered a loss of income as a
8 result of the piece published in the Sunday News Journal
9 of Wilmington, Delaware?"

10 And then advice from your attorney not to answer the
11 question, which was finally resolved. And then --

12 MR. SNYDER: Your Honor, may we know where Mr. Lane
13 is reading from?

14 MR. LANE: Yes. I thought I said Page 50.

15 MR. SNYDER: 50?

16 MR. LANE: Five-O. If not, I apologize. Page 50.

17 BY MR. LANE:

18 Q. All right.

19 Question: "Do you know if you suffered a loss of
20 income as result of the piece published in the Sunday News
21 Journal of Wilmington, Delaware?"

22 And after some colloquy with Mr. Snyder, first
23 advising you not the answer the question, finally, the answer,
24 Page 51:

25 "I never had any reason to feel that I did. I felt

1 that the Wilmington article was derived largely from The
2 Spotlight article, and I was already in litigation with
3 Spotlight. It would be presumptuous of me, or wild of me,
4 to say that the Wilmington News piece did, because
5 Wilmington is a small town. I don't think the circulation
6 of that paper even approximates the circulation of
7 Spotlight."

8 Do you recall being asked that question and giving
9 that answer?

10 A. I do.

11 Q. Do you recall this next question, Page 51:

12 "What is the circulation of the Sunday News Journal,
13 of Wilmington Delaware?"

14 Answer: "I have no idea, but it's a newspaper. I never
15 heard of until the article came out." heard of until th

16 Question: "Is it considered to be a reputable
17 newspaper?"

18 Answer: "I have no idea. I know nothing about it.
19 It's a member of the Gannett chain, I learned subse-
20 quently."

21 Question: "Is the Gannett chain a reputable chain?"

22 Answer: "As far as I know."

23 Question: "Do you know if you have suffered any
24 damages as result of the circulation by the Associated
25 Press of the substance of the article, or part of the

1 substance of the article, which appeared in the Sunday News
2 Journal of Wilmington, on August 20, 1978?"

3 MR. SNYDER: Objection, Your Honor.

4 THE COURT: Grounds?

5 MR. SNYDER: There is nothing in evidence to show
6 anything about the Associated Press. We are at trial --

7 MR. LANE: That was a question I asked at the
8 deposition, without objection, and an answer Mr. Hunt made.

9 Excuse me, I am reading from the deposition of Mr.
10 Hunt.

11 THE COURT: Objection is sustained, until such time as
12 you establish the appropriate predicate that, indeed, it ever
13 appeared in Associated Press. You can ask him.

14 BY MR. LANE:

15 Q. Do you know whether it appeared in the Associated Press?

16 A. I am sorry, would you --

17 Q. Do you know whether there was an article that appeared in
18 the Associated Press, in fact, based upon the Wilmington
19 article?

20 A. I have no personal knowledge of that.

21 Q. Mr. Hunt, I am showing you Defendant's Exhibit V for
22 Identification, and ask if you have ever seen this before?

23 A. I have no recollection of ever seeing it before.

24 Q. Do you know that in this case, a deposition was taken by me
25 in the presence of your counsel in Dallas, Texas, of John O.

1 Lumpkin, III, an official at the Associated Press, in the
2 Dallas office?

3 Are you-familiar with that?

4 A. I have heard that such a deposition was taken.

5 Q. Have you read the deposition?

6 A. No, sir.

7 Q. Do you know that at that deposition, Mr. Lumpkin testified
8 that the document which is now before you was sent out by the
9 Associated Press on the date which it states?

10 MR. SNYDER: Objection, Your Honor.

11 THE COURT: Objection is sustained, at this posture of
12 the case, without prejudice to attempt to introduce it and
13 admit it during your case in chief.

14 BY MR. LANE:

15 Q. I am going to show you Defendant's Exhibit W, which is, in
16 fact, the deposition taken in this case of Mr. Lumpkin, in
17 Dallas, Texas. I have shown it to your Counsel now.

18 Is this Defendant's Exhibit W for Identification, in
19 fact, a transcription of a deposition taken in this case, of
20 Mr. Lumpkin, in the Associated Press office, in Dallas, Texas?

21 A. That is what it is represented to be, yes, sir.

22 Q. I ask you to look through that, and see if, in fact, Mr.
23 Lumpkin states that this Exhibit V for Identification is, in
24 fact, the authentic copy of the Associated Press dispatch sent
25 out on the day listed on the exhibit?

1 Unless Counsel is going to stipulate that that is what
2 it says.

3 MR. SNYDER: -I thought your ruling was this would be
4 part of Mr. Lane's case, not part of ours.

5 THE COURT: Well, he hasn't offered it yet. And you
6 made no objection to the question.

7 MR. SNYDER: There is no question pending, I don't
8 think.

9 THE COURT: I believe there is.

10 MR. SNYDER: I object to the question.

11 THE COURT: How can you, if you don't know what the
12 question is?

13 MR. SNYDER: Well, if he is going to ask him did Mr.
14 Lumpkin say something, I would object to that.

15 THE COURT: Objection sustained.

16 BY MR. LANE: -

17 Q. Does Defendant's Exhibit V for Identification state on its
18 face that it is, in fact, an Associated Press story sent out on
19 August 21, 1978, from Dallas, Texas?

20 MR. SNYDER: Your Honor, I object. This is not even
21 a copy of anything. It's a computer printout of something.

22 THE COURT: Well, I will assume, for the moment, it's
23 an attempt at education and authentication.

24 Answer the question if that is what it says, Mr.
25 Witness. Answer the question.

1 THE WITNESS: I beg your pardon. Your question, I
2 believe, was on the face of it, that this would -- would you --

3 BY MR. LANE: -- --

4 Q. Does it state, Mr. Hunt, that it is, in fact, an Associated
5 Press dispatch sent out on August 21, 1978, from the Associated
6 Press office, in Dallas, Texas?

7 A. It does.

8 Q. And does it refer, in its --

9 THE COURT: Wait just a minute, please, Counselor.

10 MR. LANE: May I proceed, Your Honor?

11 THE COURT: Yes, sir.

12 BY MR. LANE:

13 Q. Does the second paragraph of the Associated Press dispatch
14 make reference to a story reported by the Wilmington, Delaware,
15 News Journal? News Journal?

16 A. Yes, it does. That is one of a number of sentences does. The

17 Q. Is there any reference in there to The Spotlight article?

18 A. No, the caption is "Turner Memo."

19 THE COURT: Just answer the question directly, now.

20 The Court has some rulings on this. The answer is no?

21 THE WITNESS: No.

22 THE COURT: No. That is the answer. It's a yes or no
23 question.

24 BY MR. LANE:

25 Q. And does the story deal with the CIA memorandum, purported

1 memorandum, about which --

2 * MR. SNYDER: We have an objection.

3 O. -- about which we have been speaking?

4 THE COURT: Objection is sustained.

5 BY MR. LANE:

6 Q. Prior to today, did you learn that the Associated Press

7 circulated the Wilmington, Delaware, story?

8 MR. SNYDER: Objection. It assumes a fact not yet in

9 evidence.

10 THE COURT: Sustained.

11 BY MR. LANE:

12 Q. Were you asked this question, and did you give this answer,

13 in your deposition on July 11, 1984:

14 "Do you know if you have suffered any damages as

15 result of the circulation by the Associated Press of the

16 substance of the article, or part of the substance of the

17 article, which appeared in the Sunday News Journal of

18 Wilmington, on August 20, 1978?"

19 Answer: --

20 MR. SNYDER: Excuse me. I already objected to that.

21 The Court sustained.

22 MR. LANE: No, I haven't raised this question, Your

23 Honor.

24 THE COURT: I thought I had ruled on it, gentlemen.

25 Had I not?

1 MR. LANE: Well. I don't believe the Court has. I'd
2 like to read the rest of the answer. Then the Court --

3 MR. SNYDER: --You just said you had.

4 THE COURT: I am not 'sure I had. I thought I had. If
5 we need to, we'll excuse the Jury and have it all read back to
6 me; whatever is needed.

7 MR. LANE: I would prefer to do that, rather than miss
8 it. Thank you.

9 THE COURT: All right, you may be excused, ladies and
10 gentlemen.

11 (Jury left at 2:28 p.m.)

12 MR. LANE: Your Honor --

13 THE COURT: We can't discuss it. The lady has got to
14 find the last time it was asked. what the ruling of the Court
15 is. 15 is.

16 MR. LANE: What? 16 MR. LANE:

17 THE COURT: We are going to have to find out if I have
18 ruled. I have a recollection. All right.

19 MR. LANE: If I can just read the answer. I think
20 we'll all become clear on it. I asked Mr. Hunt if he knew --
21 this is way back in July -- that the Wilmington story had been
22 circulated by the Associated Press. And his answer was:

23 "Mr. Lane, I would have no way of making such a
24 determination. that is, about the suffering. financial
25 suffering, because only recently did I become aware that

1 the AP had ever picked up portions of the story."

2 * So, he knew before July that Associated Press had sent
3 it out. And I don't see why I can't ask him now, since he
4 already previously testified that he knew it.

5 MR. SNYDER: Your Honor, I objected on the ground
6 that there hasn't been any introduction of any Associated Press
7 anything into evidence.

8 What Mr. Hunt said in a discovery deposition about an
9 item that hasn't been introduced into evidence in this court is
10 irrelevant.

11 MR. LANE: He knew back --

12 THE COURT: I thought I had handled the matter.
13 Apparently, I haven't. I thought I had indicated that this is
14 something that you ought to be bringing up on your case in
15 chief.

16 MR. LANE: In my case in chief. I can't ask Mr. Hunt,
17 unless he is a witness, about the AP circulation. And he is
18 here now, and he has previously testified that he knew it had
19 been circulated by the Associated Press.

20 Why can't I ask it now?

21 MR. SNYDER: I believe you told Mr. Lane that you told
22 me to make Mr. Hunt available during Mr. Lane's case in chief.
23 and I said I definitely would. He is not going anywhere.

24 THE COURT: Well, the only reason that I am concerned
25 is because I thought I had ruled. If you have added another

1 aspect of it, as to whether or not he said he had no knowledge
2 of it, that now he does --

3 MR. LANE: Yes. Why can't I get -- this is a
4 previously --

5 THE COURT: He said he knew.

6 MR. LANE: Prior inconsistent statement.

7 THE COURT: The objection is overruled at this present
8 time.

9 Bring the Jury in, Marshal.

10 (Discussion ended.)

11 THE COURT: Counsel, for no other reason -- I am not
12 trying to prohibit your cross-examination, but I still think an
13 orderly presentation of some of these questions can come in
14 during your case in chief.

15 MR. LANE: Thank you, Your Honor. I think your advice
16 is very good.

17 (Jury in at 2:30 p.m.)

18 THE COURT: Everybody be seated. The objection,
19 ladies and gentlemen, has been overruled. I am going to allow
20 the answer to the question.

21 MR. LANE: Thank you, Your Honor.

22 THE COURT: You understand the question now, Mr. Hunt?

23 THE WITNESS: I'd like -- for the record, I'd like it
24 repeated, sir, so --

25 MR. LANE: Sure.

1 THE WITNESS: -- so I can answer properly.

2 MR. LANE: Surely, Mr. Hunt.

3 BY MR. LANE: --

4 Q. Page 52 of your deposition, of July 11, 1984. Question:

5 "Do you know if you have suffered any damages as
6 result of the circulation by the Associated Press of the
7 substance of the article, or part of the substance of the
8 article which appeared in the Sunday News Journal of
9 Wilmington, on August 20, 1978? "

10 Answer: "Mr. Lane, I would have no way of making such
11 a determination, because only recently did I become aware
12 that the AP had ever picked up portions of the story."

13 Do you recall making that statement?

14 A. Yes, I do.

15 Q. And prior to your testimony today, you did know that the
16 Associated Press had circulated portions of the Wilmington,
17 Delaware, story; is that correct?

18 A. I have collateral information to that effect, I believe.
19 I had no direct, personal knowledge, other than I understand
20 that Mr. Snyder took part in a deposition called by you in
21 Dallas, at which time a representative of the AP Bureau so
22 testified.

23 That is the extent of my knowledge, sir.

24 Q. Do you recall being asked this question and making this
25 answer. Page 52:

1 "How soon after The Spotlight piece was published was
2 the Wilmington newspaper article published?"

3 Answer: "Apparently, a matter of six days."

4 A. Yes, sir. I remember making that statement.

5 Q. Do you recall my asking you this question:

6 "Do you know of any damages you suffered, from August
7 17, 1978, until August 20, 1978?"

8 And did you make this answer --

9 MR. SNYDER: Objection.

10 MR. LANE: I haven't finished.

11 MR. SNYDER: Inaccurately read.

12 MR. LANE: I will read it again, if I did something
13 wrong.

14 BY MR. LANE:

15 Q. "Do you know of any damages you suffered, from August
16 14, 1978, until August 20, 1978?"

17 Answer: "I am not aware of any that I can limit
18 specifically to that six-day frame."

19 Do you recall being asked that question, and making
20 that answer?

21 A. I do.

22 MR. SNYDER: I'd like Your Honor to have the next
23 colloquy read, under the Rule.

24 THE COURT: Any objection to 106 invocation, Counsel?

25 MR. LANE: I have no objection. I think colloquy

1 between Counsel is really not relevant, but I have no
2 objection, if it makes Mr. Snyder happy.

3 MR. SNYDER: Are you talking about monetary damages.
4 Mr. Lane?

5 MR. LANE: Yes, monetary damages; that's correct.

6 MR. SNYDER: Thank you.

7 MR. LANE: All right.

8 THE COURT: Thank you.

9 MR. LANE: That was quoted in there.

10 BY MR. LANE:

11 Q. I am going to show you Defendant's Exhibit X for Identi-
12 fication. This is Defendants Exhibit X for Identification.
13 It's marked on the back, rather than on the front, as you can
14 see.

15 I ask if you recognize either of the persons in that
16 photograph?

17 MR. SNYDER: Your Honor, I have a question about this
18 article that maybe it would be proper to address at the bench.

19 THE COURT: All right, sidebar.

20 (Sidebar conference as follows:)

21 MR. SNYDER: Your Honor admonished the Jurors not to
22 read press accounts of this trial. While I can't remember,
23 press clippings have come out about this.

24 My recollection is that photos from an article
25 published after this trial started, the jurors aren't supposed

1 to read.

2 MR. LANE: First of all. I am not offering it in
3 evidence at this point. So, there is no danger, no immediate
4 danger, of the Jury seeing it.

5 Secondly, it's a photograph.

6 THE COURT: I just assumed that he is trying to have
7 him identify it. That's all.

8 MR. LANE: That is correct.

9 THE COURT: It won't go any further.

10 (Sidebar ended.)

11 THE COURT: Just answer the question, just directly,
12 if you can, sir; yes or no.

13 THE WITNESS: Surely.

14 BY MR. LANE:

15 Q. My question, Mr. Hunt, is whether you recognize either of
16 the two persons in that photograph? 16 the two persons in th

17 A. Well. I have never seen either one of them in the flesh,
18 but the one purports to be Fidel Castro. 18 the one purports

19 MR. SNYDER: Excuse me, Mr. Hunt.

20 THE WITNESS: Pardon me?

21 MR. SNYDER: I would like you to confine your answer
22 to that question, if you will.

23 MR. LANE: I think it's not appropriate for Counsel to
24 interrupt the witness, and address the witness on cross-
25 examination. But, rather, just to address the Court.

1 THE COURT: I think he was addressing me, and I think
2 it's well taken.

3 Just answer the question. Can you identify the people
4 in the picture?

5 MR. LANE: If I may say, in all fairness, I think the
6 witness was answering it as best he could. It's not a question
7 perhaps he can answer yes or no. I think he should be per-
8 mitted to answer the question the best way.

9 THE COURT: He is. He doesn't have to answer yes or
10 no, but we don't have to ramble on either.

11 Just the best you can. Can you recognize the people?
12 That is the question; isn't it? Do you?

13 Isn't that the question?

14 MR. LANE: Yes.

15 BY MR. LANE:

16 Q. Yes, do you recognize either of the two people in that
17 picture?

18 A. The man on the right looks like Fidel Castro. The woman on
19 the left, I have never seen before. Her name is given as
20 Marita.

21 THE COURT: That is not the question.

22 BY MR. LANE:

23 Q. Just in terms --

24 A. Oh, I see.

25 Q. In terms of the photograph itself, do you recognize the man

1 in the photograph?

2 A. Fidel Castro.

3 Q. Do you recognize the woman in the photograph?

4 A. No.

5 Q. Thank you.

6 Q. Mr. Hunt did you ever conspire with anyone to kill an
7 American in America?

8 A. No.

9 Q. Did you ever conspire with Gordon Liddy to kill Jack
10 Anderson?

11 A. No, sir.

12 Q. You are sure of that?

13 A. Absolutely positive.

14 Q. That is something you would surely remember? That is something

15 A. Yes, it is definitely something I would remember, it is definitely

16 Q. I am going to show you Defendant's Exhibit N form going to show
17 Identification, and ask you if this is your deposition, taken as
18 by me, on July 11, 1984?

19 A. It is.

20 Q. And I ask you now, Mr. Hunt, if during that deposition, you
21 were asked these questions and you gave these answers, Page 69:

22 "Do you know Gordon Liddy?

23 "I do."

24 Question: "Did you ever conspire with Gordon Liddy,
25 to kill Jack Anderson?"

1 Answer: "Yes."

2 • Were you asked those questions, and did you make those
3 answers? -- --

4 A. That was not my response. That was an erratum, which was a
5 mistake by the Court Reporter, which was promptly called to the
6 Court Reporter's attention, and you should have received the
7 appropriate erratum slip.

8 Q. Are you saying that this testimony does not represent what
9 you said?

10 A. That is correct.

11 MR. SNYDER: Your Honor, we ask that under the rule,
12 Mr. Lane be required to read the errata sheet Mr. Hunt supplied
13 the Court Reporter.

14 MR. LANE: I have never received such an errata
15 sheet. Your Honor. There may be one. I have never received
16 it.

17 THE COURT: I will, because I think justice will
18 require it. You may read that sheet. I think, perhaps, before
19 that happens, we should be given a copy of it. It's a little
20 late, in the middle of the trial, to hear about this, but I
21 think we should be given a chance to look at it before
22 anything --

23 Go ahead, show it to Counsel before you read it.

24 MR. SNYDER: Your Hono , this was supplied to us by
25 the Court Reporter. It should have been supplied to Mr. Lane.

1 THE COURT: All right, Counsel. I will allow you to
2 read it.

3 MR. SNYDER: -The errata sheet says, "Page 69, Line
4 17, the response should be "No," underlined. Signed, E.
5 Howard Hunt."

6 BY MR. LANE:

7 Q. Is it your testimony that the Court Reporter took down the
8 wrong word; or that later when you examined the testimony, the
9 transcript of the testimony, you decided to change your answer?

10 A. That is two questions, Counsel.

11 Q. Yes. Which is it? They are mutually exclusive.

12 A. Inasmuch as I never said that I had attempted to conspire
13 to kill anyone, the Court Reporter was in error. That was one
14 of several errors reportized in that particular deposition.

15 Q. Have you read the testimony of G. Gordon Liddy taken in this
16 this case? 16 this case?

17 A. No, sir. 17 A. No, sir.

18 Q. Deposition? 18 Deposition?

19 A. No, sir. I have not. 19 A. No, sir. I have not.

20 Q. I show you Defendant's Exhibit Y for Identification, and
21 ask if that appears to be the deposition of G. Gordon Liddy
22 taken in this case?

23 A. It does. 23 A. It does.

24 Q. Page 18, I will read you questions and answers presented to
25 Mr. Liddy in deposition in this case. See if this refreshes.

1 your recollection regarding this area.

2 MR. SNYDER: Excuse me.

3 THE COURT: Counsel, I want a brief 30-second recess,
4 because I have raised so much cane with GSA in my career on the
5 Federal Bench, by golly, they are here and trying to get us
6 cool air. I commend them.

7 You wanted cool air, you are going to get it. Finest
8 electrician in the south working on it now. What a shock. But
9 we thank you again and again.

10 Excuse me for interrupting, Counsel. Were you about
11 to make an objection?

12 MR. SNYDER: Yes, Your Honor. We ask that Mr. Lane
13 be required to read this as part of his own case. He asked
14 whether it would refresh Mr. Hunt's recollection. Mr. Hunt
15 already testified he has not read this deposition at all.

16 THE COURT: Well, if it's just to refresh his memory,
17 ask him to read it, Counsel, and see if it refreshes his
18 memory.

19 MR. LANE: Yes, Your Honor. Thank you, Your Honor.

20 BY MR. LANE:

21 Q. Page --

22 THE COURT: I think, better, under the circumstances,
23 you ask him to read what you want to him read, before you read
24 it to the Jury.

25 MR. LANE: You are suggesting I give it to him to

1 read?

2 THE COURT: Yes. And see if it refreshes his memory.
3 That is the purpose of it, Counsel.

4 MR. LANE: Yes, sir.

5 Well, perhaps I can proceed another way. It may be
6 quicker than having him read these pages, because there are
7 quite a few pages. Maybe I can ask specific questions.

8 BY MR. LANE:

9 Q. Did you ever have a meeting with G. Gordon Liddy about
10 taking action against the columnist Jack Anderson?

11 A. I did.

12 Q. At that meeting, did you tell Mr. Liddy that your princi-
13 pals were very concerned about Mr. Jack Anderson, "because
14 Anderson has now gone too far?"

15 A. No, sir, those were not the circumstances, nor, the accurate
16 reflection of my words.

17 Q. Well, I have to ask you to read pages 18 and 19 of this
18 deposition.

19 A. How many pages, Counsel?

20 Q. Those two pages.

21 A. 18 and 19; just those two pages?

22 Q. Yes.

23 A. I have read those.

24 Q. Now, did you read Mr. Liddy's testimony, where he stated:

25 "Mr. Hunt told me his principals were very concerned.

1 about Mr. Jack Anderson, because, as Mr. Hunt put it,
2 Anderson had now gone too far, those were his words,
3 because in his column. Mr. Anderson had identified one of
4 our human assets posted abroad."

5 Did you make such a statement to Mr. Liddy?

6 A. No, sir.

7 Q. Did you ever enter into a conspiracy to place some
8 substance in Jack Anderson's body, in one way or another, to
9 make him appear incoherent on a national broadcast of some
10 kind?

11 A. It was discussed. I don't know to what extent it was a
12 conspiracy. Dr. Gunn, Dr. -- Mr. Liddy and I discussed the
13 possibility of rendering Mr. Anderson incoherent on one of his
14 morning broadcasts. Nothing happened, as with so many of Mr.
15 Liddy's schemes.

16 Q. Was that a Liddy scheme?

17 A. Oh, yes.

18 Q. Not Mr. Colson; is that correct?

19 A. Mr. Colson was the originator of it. Mr. Liddy was the one
20 who thought that it was such a great idea.

21 Q. It was Mr. Colson's scheme; is that correct?

22 A. Mr. -- yes, I have testified to this. Counselor.

23 You want my version, or Mr. Liddy's version? If you
24 want me to comment on Mr. Liddy's version, I will be glad to.

25 Q. Was this Mr. Colson's scheme, is my question?

1 A. Mr. Colson said that he wanted something to be done about
2 Mr. Anderson; wanted to have him discredited in the public eye.
3 That perhaps something could be done in terms of rendering him
4 incoherent on one of his morning radio broadcasts.

5 Q. And in furtherance of that effort, did you meet with a
6 person named Gunn?

7 A. After Mr. Liddy had made some preliminary explorations
8 with friends of the SBNDD --

9 Q. Who is Gunn?

10 A. Dr. Gunn was a former Agency physician, CIA physician.

11 Q. Did you have a discussion with Dr. Gunn about doing
12 something to Mr. Anderson to make him appear incoherent on some
13 national broadcast?

14 A. Not by name. Mr. Anderson was never identified by name. ...
15 Mr. Liddy established a putative situation. Mr. Liddy established

16 "We have an individual who has done grave damage to the
17 the United States. It's our desire to discredit him with the
18 American people on a public occasion, occasion of a public
19 appearance. How do we go about it?"

20 Dr. Gunn then proceeded to give a couple of
21 suggestions.

22 Q. Did you also try to put some pills in a prescription flask
23 or vial belonging to Jack Anderson?

24 A. No. Absolutely absurd.

25 Q. That is absurd, that suggestion? ...

1 A. That is absurd, yes.

2 Q. Is this your testimony, on July 11, 1984, Page 76:

3 "About the only other thing we tried is to put a
4 couple of pills in a prescription flask or vial. And he
5 said, eventually, when the patient or the target gets
6 around to taking one of these pills, it will have an effect
7 on him. But again, you can't ever tell when that is going
8 to happen."

9 Did you make that statement under oath?

10 A. What I did, I repeated what Dr. Gunn had said to Mr. Liddy
11 and me. Those are Dr. Gunn's words, not mine.

12 Q. Did you state that:

13 "About the only other thing we tried is to put a
14 couple of pills in a prescription flask or vial" et cetera?

15 A. Those are Dr. Gunn's words, as reported by me. Please
16 don't put them in my mouth.

17 Q. Did you ever make reference to placing some poison or some
18 other substance in an aspirin bottle in Jack Anderson's house?
19 Did you ever discuss that with Dr. Gunn or G. Gordon Liddy?

20 A. Yes or no?

21 Q. Yes or no, or however you feel you can best answer.

22 A. I can best answer it in this fashion: As I said a moment
23 ago, Dr. Gunn had said that the agency had had one experience.
24 I believe it was in Algeria, which had been unsuccessful.
25 because the subject expired. I don't need to go into that

1 here, but I will be glad to.

2 . The operative suggestion that Dr. Gunn had made was,
3 he said about the-only-other thing we tried -- Dr. Gunn, not E.
4 Howard Hunt -- he said, was the concept of putting something in
5 an aspirin bottle or a drug prescription bottle, so that
6 eventually, when the subject got around to taking one of these
7 pills, it would have effect on him. Obviously, you can't tell
8 when it's going to do that.

9 This was the report Mr. Liddy and I took back to Mr.
10 Colson. Neither of these suggestions that Dr. Gunn had made
11 were responsive to Mr. Colson's interest. Mr. Colson, by then,
12 was off on another tangent, and the matter was never again
13 discussed.

14 Q. Oh, when the suggestion was made about putting a pill in a
15 bottle in Jack Anderson's column -- Jack Anderson's bathroom
16 did you state, "Oh, you mean, aspirin roulette?" you state, "Oh, y

17 A. Never.

18 Q. And if G. Gordon Liddy said you did, he is testifying
19 untruthfully; is that correct?

20 A. Mr. Liddy has an inflamed imagination. The situation was
21 like three guys sitting around in a bar, talking. And if
22 nothing happened, you can't write a book about it, you can't
23 give lectures about it.

24 If one of the individuals claimed a sensational thing
25 took place, then he has an opportunity to go out and make some

1 money for himself; which is exactly what Mr. Liddy did.

2 Q. Has he said these things publicly?

3 A. Pardon me? -- --

4 Q. Has he made these statements publicly?

5 A. I believe that he has. And, certainly, he has told the
6 general public, soon after his release from prison, that I was
7 on his hit list.

8 Q. Did he tell the general public that you planned to killed
9 Jack Anderson?

10 A. I never read it. his book. I assume it was in his book, as
11 well.

12 Q. Did you ever hear him say that on television?

13 A. I don't think so.

14 Q. Did you ever file a lawsuit against him?

15 A. No, I never did. Again, I am not required to file lawsuits
16 against every kook in the country.

17 Q. Is Mr. Liddy a kook?

18 A. In my book, he definitely is.

19 Q. How long did you work with Mr. Liddy?

20 A. Too long.

21 Q. Could you fix a time for us, Mr. Hunt?

22 A. I met him, oh, early or late fall of 1971. And our
23 association ended shortly after the Watergate breakin.

24 Q. Can you fix a date, how long you worked with him, Mr.
25 Liddy?

1 A. Worked -- worked up until about the 19th of June, 1972.

2 Q. Did you have meetings with him in which various discussions
3 were held regarding taking actions against American citizens?

4 A. Yes. I believe we have covered that, Counselor. But the
5 answer is yes.

6 Q. And during this entire time, when you were meeting with Mr.
7 Liddy, considering and planning actions against American
8 citizens, did you consider him to be a kook?

9 A. I thought he was unbalanced at the time, yes.

10 Q. Did you report that to anyone?

11 A. No, I thought it was self-evident.

12 Q. And then you testified against him, did you, at the
13 Watergate trial?

14 A. Yes. You will recall that I had made a series of perjuries
15 during the Washington Grand Juries, in 1973. During the Washington

16 Q. Yes, sir.

16 Q. Yes, sir.

17 A. There came a time when I purged myself of all past lies, --
18 and went ahead and became -- ceased being a member of the
19 coverup, and went ahead and told the truth from that time on.

20 Q. Do you recall, yesterday, Mr. Hunt, when you were going
21 through The Spotlight article point by point, testifying about
22 what you said was absolutely false, do you recall stating that
23 an allegation that Frank Sturgis worked for the CIA was
24 absolutely false?

25 A. Yes, sir. And it is.

25 A. Yes, sir.

1 Q. It is false?

2 A. It is false.

3 Q. Did Mr. Sturgis ever work for the CIA, in any capacity?

4 A. No, sir. And, the Rockefeller Commission substantiates
5 that.

6 Q. Are you about as sure of that as each of the other
7 allegations you made about false statements appearing in
8 Spotlight?

9 A. Yes, sir.

10 Q. Okay. I am going to show you a deposition taken in this
11 case on June 1, 1984, and ask you if this is the deposition of
12 Richard Helms?

13 A. It is.

14 Q. Now, is Richard Helms the man who was the Director of the
15 Central Intelligence Agency?

16 A. For a couple of years, he was, yes.

17 Q. Well, is he the man who sent this letter to you, which is
18 Plaintiff's Exhibit 26, which you placed in evidence in this
19 case?

20 A. Yes, sir, he is.

21 Q. And is that letter framed, along with the picture of
22 Richard Helms, and a picture of Allen Dulles, former Director
23 of the CIA?

24 A. It is.

25 Q. Framed by you?

1 A. Framed by me.

2 Q. And, hangs in your house most of the time; is that correct?

3 A. Yes, sir. -- --

4 Q. So you know Richard Helms?

5 A. I know him.

6 Q. Is he a truthful person?

7 A. I believe him to be, yes, sir.

8 Q. Did you read his testimony in this case?

9 A. Sometime ago, sir.

10 Q. Do you remember reading these questions asked of Mr. Helms

11 by your attorney, Mr. Snyder, Page 30:

12 Question: "Yes."

13 Answer: "well, let me go back a little bit --"

14 There is a lot of colloquy. Go back to the last

15 question prior to that, before the colloquy, ~~at top of Page 30~~

16 Question by Mr. Snyder: 16 Question by

17 "All right, the remainder of the article goes on to

18 describe a theory that the actual assassination of

19 President Kennedy was by three people: Mr. Hunt, Mr. Frank

20 Sturgis, and a gentleman named Jerry Patrick Hemming.

21 "Did you ever hear of Sturgis and Hemming, and if you

22 are at liberty to say, were they ever employees of the

23 agency?"

24 Answer: "Well. I think I understand it. I was being

25 asked if I ever heard, had ever heard of Sturgis and Jerry

1 Patrick Hemming; is that correct?"

2 Question by Mr. Snyder: "Yes."

3 Answer:-- "Sturgis, I have heard of. Jerry Patrick
4 Hemming, I am not familiar with that name."

5 Question by Mr. Snyder: "Do you know if Sturgis was
6 ever an employee of the Agency?"

7 Answer: "To the best of my recollection, Frank
8 Sturgis was an agent, an outside agent, a contract agent,
9 of the Agency. He was not a staff member of the Agency."

10 BY MR. LANE:

11 Q. Is it still your testimony that Frank Sturgis was never an
12 agent of the Central Intelligence Agency?

13 A. Absolutely. Mr. Helms is a truthful man, but he is not
14 infallible.

15 Q. Turn to Page 35 of that same deposition.

16 A. The Helms' deposition?

17 Q. The Helms' deposition, being questioned by me:

18 "Mr. Helms, who is Frank Sturgis?"

19 Answer: "Well, I have already identified him,
20 according to the best of my recollection, as a contract
21 agent of the Agency. I believe he was involved with Agency
22 activities in Florida, having to do with Cuba."

23 "Mr. Hunt was in charge for the CIA, of
24 activities of the CIA in Florida having to do with Cuba.

25 "Mr. Richard Bissell."

1 Question: "And who worked for Mr. Bissell?"

2 Answer: "Mr. Tracy Barnes."

3 Question: "Did you have any relationship with that
4 project?"

5 Answer: "I did."

6 Q. Is it your testimony that Mr. Helms was wrong each time he
7 said under oath, in this case, that Frank Sturgis was an agent
8 of the CIA?

9 A. Yes, Mr. Helms' recollection is faulty. He said to the
10 best of his recollection. His recollection was insufficient.

11 Q. And was he wrong when he said that Mr. Sturgis was working
12 for the CIA in Florida?

13 A. Totally wrong.

14 Q. And was he wrong when he testified that Mr. Sturgis was
15 working in Florida for matters relating to Cuba, for the CIA?

16 A. That was wrong. Yes, he was wrong. A. That was wrong.

17 Q. Do you know whether or not Mr. Sturgis testified before the
18 Rockefeller Commission that he was involved in various ventures
19 relating to Cuba, which he believed to have been organized and
20 financed by the CIA?

21 A. That sounds like him. I will accept that.

22 Q. And you believe that that testimony was untruthful?

23 A. Well, Mr. Sturgis indicated that he was involved in
24 activities that he believed to be financed or otherwise
25 established by the CIA.

1 His belief and perception is something that no one
2 else can control.

3 Q. Do you believe that he, in fact, did not become involved in
4 ventures relating to Cuba, which were in fact organized and
5 financed by the CIA?

6 A. I suppose the operative word is "involvement." I don't
7 know what involvement would mean. To him, I suppose it would
8 mean something fairly deep.

9 To me, he could have had a cup of Cuban coffee with a
10 couple of Cuban patriots. He might consider that an involve-
11 ment. I don't -- he was not a staff agent, he was not a
12 contract agent.

13 He operated, worked for no organized group that I ever
14 heard anything about in South Florida, during the time of the
15 preparation for the Bay of Pigs. And, I believe that he has so
16 stated under oath before a couple of committees.

17 Q. According to the Rockefeller Commission, Mr. Sturgis made
18 this statement, Page 252.

19 "Sturgis testified that he had been engaged in various
20 ventures, 'ventures' in quotes, relating to Cuba; which he
21 believed to have been organized and financed by the CIA. He
22 testified that he had given information directly and indirectly
23 to Federal Government officials, who he believed were acting
24 for the CIA."

25 Is it your contention that his beliefs were just in

1 error in this regard in Page 252 of the report?

2 A. Yes.

3 Q. In fact, he was not engaged in ventures organized and
4 financed by the CIA, relating to Cuba?

5 A. He was not.

6 MR. SNYDER: Your Honor, I respectfully request that
7 Counsel be directed to read the first two sentences of that
8 paragraph, under Rule 106.

9 THE COURT: Any objection, Counselor?

10 MR. LANE: I have no objection to reading the entire
11 page, Your Honor.

12 THE COURT: All right, sir, just those portions he
13 wants read.

14 MR. LANE: The statement appears here: MR. LANE: "Frank Sturgis was not an employee or agent of the Sturgis

15 "Frank Sturgis was not an employee or agent of the Sturgis
16 CIA, either in 1963 or any other time. He so testified in 1966
17 under oath himself. And a search of the CIA records failed
18 to discover any evidence that he had ever been employed by
19 CIA, or served as an agent, informant or operative.

20 Sturgis testified that he had been engaged -- "

21 MR. SNYDER: You have already --

22 MR. LANE: Don't -- excuse me.

23 MR. SNYDER: Excuse me.

24 THE COURT: If you have already read it, don't read --

25 MR. LANE: I am reading the entire paragraph.

1 THE COURT: Just read that portion he requested. Your
2 next question, please.

3 MR. LANE: Yes.

4 BY MR. LANE:

5 Q. Following that, Mr. Hunt, does the Rockefeller Commission
6 state that Sturgis testified he had been engaged in various
7 ventures relating to Cuba, which he believed to have been
8 organized and financed by CIA?

9 MR. SNYDER: Objection.

10 THE COURT: Objection sustained.

11 BY MR. LANE:

12 Q. Is it your contention that both CIA director Richard Helms
13 and Mr. Sturgis are in error in talking about Mr. Sturgis'
14 relationship with activities of the CIA in Florida, relating to
15 Cuba?

16 Mr. Snyder: Objection.

17 THE COURT: Grounds?

18 MR. SNYDER: The statement is that Sturgis testified,
19 under oath, himself, that he was never an agent. Now --

20 MR. LANE: Didn't say he was an agent. Helms himself
21 said he was an agent.

22 THE COURT: Wait just a minute. Have you finished
23 your objection?

24 MR. SNYDER: Yes.

25 THE COURT: On grounds stated, overruled.

1 BY MR. LANE:

2 Q. Understand the question?

3 A. Yes. I think that, again, we have a case of an also and/or
4 answer. Mr. Helms stated, to the best of his knowledge and
5 belief, Mr. Sturgis had at some time been a contract agent or
6 an informant, and had been engaged in activities in Cuba. He
7 was wrong.

8 Mr. Sturgis, on the other hand, stated he had been
9 involved in some ventures relating to Cuba and activity in
10 South Florida that he believed to be Agency sponsored or
11 funded.

12 I can't say that he was wrong for having achieved that
13 perception. I simply say that he was mistaken.

14 Q. When did you first meet Richard Helms? Q. For the first time.

15 A. Richard Helms? A. Richard Helms.

16 Q. Yes. Q. Yes.

17 A. Probably early 1950. A. Probably early 1950.

18 Q. Was that in relationship with the OSS or the CIA?

19 A. No. I was then a member of the CIA and so was he.

20 Q. Have you ever read Mr. Helms' deposition in this case.

21 relative to your Exhibit 26? That is the letter which you have
22 received and published to the Jury.

23 A. I don't think so, no.

24 Q. When asked if he recognized it by your attorney, Mr.

25 Helms -- which was then, as I recall, Exhibit Two for the

1 deposition -- Mr. Helms responded regarding the letter:

2 "This reads like a letter that I might very well have
3 signed. At the time, I signed letters for almost everyone
4 who left the Agency."

5 Did you read that testimony?

6 A. No, but it's certainly a reasonable statement by Mr. Helms.

7 Q. All right. Just one moment, please.

8 Did you ever discuss with Mr. Helms where you were on
9 November 22, 1963?

10 A. No.

11 Q. When the allegations surfaced, first by Mr. Weber and Mr.
12 Gregory --

13 A. Weberman.

14 O. -- Weberman --

15 A. Mr. --

16 Q. -- Mr. Canfield and Gregory, and later in their books --
17 first, at the press conference, that you, in fact, on behalf of
18 the CIA killed President Kennedy, did you ever discuss that
19 matter with Helms?

20 A. No.

21 Q. Did you ever discuss with him where you were that day?

22 A. No.

23 Q. You ever seek his assistance to provide records to show
24 that you, in fact, worked for the CIA on the morning of
25 November 22, 1963?

1 A. No.. Mr. Helms had been retired for some years; had
2 intervening service as Ambassador, and he would have no access
3 to Agency files,--in any case.

4 Any contact I might have had with the Agency was
5 between one or more of my attorneys, and the Office of General
6 Counsel of the Central Intelligence Agency.

7 Q. Do you know if Mr. Helms had any idea as to whether or not
8 you were working for the CIA, in Washington, D. C., on November
9 22, 1963?

10 A. I think you are asking me for a conclusion as to what might
11 have been in Mr. Helms' mind on that day.

12 Q. No. I am --

13 A. I don't know how to answer that question.

14 O. Perhaps this will assist you. Page 78 of Mr. Helms' deposition:
15 deposition: 15 deposition:

16 "Do you know where Mr. Hunt was on November 22, 1963?"

17 "No, I don't. 17 "No, I don't."

18 "Did Hunt work for you on November 22, 1963?"

19 "He worked in the Central Intelligence Agency, and
20 under my general aegis. He did not work directly for me.
21 I would not have been responsible for his whereabouts or
22 the knowledge of his whereabouts at any given time."

23 A. Perfectly fine statement.

24 Q. All right. Did you say that you consider Mr. Helms to be a
25 reputable person?

1 A. Highly reputable, yes, sir. And, truthful.

2 Q. Truthful?

3 A. And truthful.-

4 Q. Has he ever be convicted of a crime?

5 A. I think he pleaded nolo to some charges that were made

6 against him in connection with revealing Agency secrets,

7 concerning --

8 Q. Was he charged with making false statements to the United

9 States Senate?

10 A. If you say so. I don't recall the nature of the charge.

11 Q. Was, in fact, he sentenced? Was he sentenced after the

12 nolo plea?

13 A. He was sentenced.

14 Q. Did Mr. Helms, to your knowledge, have any records which

15 might reveal -- that is, any Agency records in his possession

16 which might reveal where you were on November 22, 1963?

17 A. No, I have no idea of that. Of course, at my level of the

18 Agency, I wasn't required to punch a time clock.

19 Q. Well, if you had telephone conversations with Mr. Helms or

20 others on that day, and a record was made of that, that might

21 reveal where you were?

22 A. It might have been logged in, conceivably, but I didn't

23 call Mr. Helms directly in that period.

24 Q. Were you, in fact, critical; very critical of President

25 Kennedy, for not providing sufficient air-cover at the Bay of

1 Pigs?

2 A. I believe we have gone into this before. Let me say
3 this -- and I am-going-to have to go a little into the
4 background of the Bay of Pigs, so if you will, bear with me.

5 Q. I am just asking you if you made the public statement that
6 you were critical of President Kennedy for not providing
7 air-cover?

8 I am not asking to you to defend or -- just tell us
9 whether you made such a statement.

10 A. If I made a critical statement or if I was critical--I am
11 sorry, would you rephrase that? I missed --

12 Q. Were you very critical of President Kennedy for not
13 providing sufficient air-cover at the Bay of Pigs?

14 A. I was critical --

15 Q. Were you?

16 A. -- principally, of his senior advisors.

17 Q. Question of Mr. Helms:

18 "Do you know if Howard Hunt --"

19 Page 80,

20 "-- was very critical of President Kennedy for not
21 providing sufficient air-cover at the Bay of Pigs?"

22 Answer: "I have heard that alleged. I have read it
23 in newspaper articles, but I don't know it out of my own
24 resources."

25 Q. Did you make statements which were, to your knowledge, an

1 published in newspaper articles, in which you were very
2 critical of President Kennedy for not providing sufficient
3 air-cover at the Bay of Pigs?

4 A. No, sir.

5 Q. Mr. Helms was wrong when he said he read that in
6 newspapers, you believe?

7 A. He may have read newspaper accounts of the Bay of Pigs,
8 which indicated that certain people who were highly critical of
9 Mr. Kennedy in those days --

10 The fact of the matter is -- let's just get this into
11 context, if we can -- that Mr. Helms had nothing to do with the
12 Bay of Pigs, Florida operations --

13 Q. I think your answer --

14 A. -- or anything like it, sir.

15 Q. I think you're answering another question. Go ahead.
16 finish your answer. Finish your answer.

17 A. At the conclusion of the Bay of Pigs, when I had been
18 assigned to Allen Dulles' staff, as a Special Assistant, to
19 provide a six-month period of time, Mr. Helms was in our sphere
20 of operations, and he invited me down and said, "Now that we
21 can talk about it, will you please tell me what the Bay of Pigs
22 was all about?" And I proceeded to.

23 Q. To tell Mr. Helms?

24 A. Mr. Helms.

25 Q. What did you tell Mr. Helms?

1 A. I spent about an hour and a half describing what had
2 happened. Because he, on the basis of need to know within the
3 Agency, had been kept isolated from it.

4 He was running the general business of the Agency, and
5 Mr. Bissell was running the Bay of Pigs operation.

6 Q. Did you tell Mr. Helms that one of the problems with the
7 Bay of Pigs was that the United States did not provide
8 sufficient air-cover?

9 A. I told him that, certainly, and there was no mystery about
10 that.

11 Q. And were you firm in your statement about the failure of
12 the United States Government?

13 A. About the failure of the U. -- of the Kennedy Adminis-
14 tration to follow through on commitments that had been made by
15 the Eisenhower Administration, yes. 16 the Eisenhower Adminis-

16 Q. Well, then, would you say that Mr. Helms (was not being, would
17 frank when, in answer to the question about whether he knew, if
18 you were critical of President Kennedy for not providing
19 sufficient air-cover, he said he "heard it alleged, read it in
20 the newspapers, but I don't know it out of my own resources?"

21 A. He may well have forgotten that. 1961 was when I made the
22 revelations to him.

23 Q. And you briefed him thoroughly on the Bay of Pigs?

24 A. On the Bay of Pigs. And then he went on to talk to General
25 Lansdale (phonetic spelling) and a great many other people who

1 were involved, and formed his own conclusions, on the basis of
2 broader information.

3 Q. I am going to go to Page 81 of Mr. Helms' deposition.

4 Question: "In the book - Coup de'Etat, the statement
5 was made that before you left the Agency, you ordered
6 destruction of all of the tapes of your telephone
7 conversations. It says phone conversations dating back
8 several years, including those with Nixon. Is that
9 statement in the book accurate?"

10 Answer: "It says I destroyed the tapes?"

11 Question: "Yes."

12 Answer: "Yes."

13 Question: "That is true?"

14 Answer: "Yes."

15 Question: "What tapes did you destroy?"

16 Answer: "Any tapes that existed of telephone
17 conversations I held with anybody."

18 Question: "Including Mr. Hunt?"

19 Answer: "Anybody."

20 Question: "Do you have any -- did you have any
21 telephone conversations with Mr. Hunt?"

22 Answer: "I don't recall, but I may have had. If he
23 was in the Agency, I would normally have talked to him
24 there. But I don't recall any conversations with him. Did
25 not have any telephone conversations with him after I went

1 to work for the White House."

2 . Question: "Why did you destroy the tapes of all those
3 telephone conversations?"

4 Answer: "Because they were my property, and I thought
5 it was just as well not to have them circulating around
6 after I left. I was quizzed at one interrogation by
7 Senator Howard Baker on the subject. I am sure the
8 transcript is available to you, if you are really
9 interested."

10 Question: "Did you destroy any documents when you
11 left the Agency?"

12 Answer: "Did I personally destroy any documents?"

13 Question: "Yes."

14 Answer: "I don't recall. I don't recall specifically
15 destroying any documents. I left my documents at the
16 Agency." 16 Agency."

17 Question: "Did you give instructions to anyone to
18 destroy documents, when you left the agency?"

19 MR. SNYDER: Objection, Your Honor. I don't
20 understand the relevance of Mr. Helms leaving the Agency.

21 THE COURT: You have an objection of relevancy?

22 MR. SNYDER: Yes, sir.

23 THE COURT: Sustained.

24 BY MR. LANE:

25 Q. Did you ask Mr. Helms, at any time-- withdraw that.

1 MR. LANE: The reason for raising it, Your Honor, we
2 have in evidence affidavits from the CIA saying, looking in
3 their files now, they have nothing regarding this memorandum.
4 Here's a man who destroyed them.

5 THE COURT: What did it have to do with the phone
6 call?

7 MR. LANE: That was one part. Now we are going to the
8 part --

9 THE COURT: That is the part I said is not relevant.

10 MR. LANE: Now I am into documents.

11 May I proceed, Your Honor?

12 THE COURT: You may.

13 MR. LANE: Thank you.

14 BY MR. LANE:

15 Q. Question: "Why did you destroy the tapes of all those
16 telephone conversations?"

17 I will leave that area.

18 Question: "Did you destroy any documents when you
19 left the agency?"

20 Answer: "Did I personally destroy any documents?"

21 Question: "Yes."

22 Answer: "I don't recall personally destroying any
23 documents. I left all my documents in the agency."

24 Question: "Did you give instructions to anyone to
25 destroy documents when you left the Agency?"

1 Answer: "Well, we had a standard operating procedure
2 of a certain amount of destruction of documents, in order
3 to keep down the paper holdings of the Agency; whether it
4 was some documents in connection with drug testing, which
5 my permission was asked to destroy, and I okayed that and
6 approved that."

7 There was colloquy about who he gave permission to.

8 Question: "Did you give your okay on destruction
9 of -- "

10 MR. SNYDER: I think --

11 Question: " -- these --"

12 MR. SNYDER: Excuse me. Objection. Where are you?
13 May I ask Counsel where he is reading?

14 MR. LANE: Continuing on the next page --

15 MR. SNYDER: Where are you? 15

16 MR. LANE: 83. 16

17 MR. SNYDER: What line? 17

18 MR. LANE: Line 11, right in the middle of the page,
19 following the colloquy. All right, Line 11, Page 83.

20 BY MR. LANE:

21 Q. Question: "Did you give your okay for destruction of
22 other documents?"

23 Answer: "I think these were the only ones, at least
24 the only ones that I remember."

25 Is it --

1 MR. SNYDER: Your Honor, I request, under Rule 106.
2 Mr. Lane be required to read the next question and answer.

3 THE COURT: Any objection?

4 MR. LANE: I have no objection. I don't think it's
5 relevant, but I will read the whole thing, if you like.

6 THE COURT: Next question and answer.

7 BY MR. LANE:

8 Q. Question: "Did you have any personal notes or
9 personal documents of your own which you destroyed, as you
10 destroyed your telephone tapes, when you left the Agency?"

11 Answer: "No, I left them in the Agency. I left my
12 files there."

13 Q. All right, now, Mr. Hunt, do you know what the policy was
14 in the CIA regarding the maintaining or destruction of the
15 documents?

16 A. Well, I wasn't one of the housekeepers there. But
17 generally speaking, I think there was a period of time -- three
18 years, five years, something like that -- that a document had
19 to be sort of, not reclassified, but somebody authorized to
20 certify that it's retention was essential or necessary.

21 Otherwise, as Mr. Helms stated, we had to reduce our
22 paper holdings, which were voluminous, and these things were
23 routinely done away with.

24 Old payroll records, dispatches, material that had
25 been reduced to microfilm, all that sort of thing, was done

1 away what. But, again, I don't know.

2 Q. If there had been a memorandum referred to specifically in
3 the Wilmington News Journal as a document signed by Angleton
4 and Helms, and referred to in 'The Spotlight' as a CIA
5 memorandum, without the additional detail --

6 If there had been such a memorandum, dated 1966, based
7 upon your experience with the CIA, would you believe it
8 possible that such a memorandum might exist in 1978, in the
9 files of the CIA?

10 A. Well, it probably wouldn't exist anywhere, because if you
11 are talking about a memorandum, then a memorandum is slated to
12 be destroyed within three or five years, whatever the time
13 period, and it's gone then. It's destroyed then. It's not
14 around.

15 Q. All right, fine.

16 A. That either it's destroyed or it's not destroyed. either it's

17 Q. All right. I am showing Defendant's Exhibit AA for
18 Identification to your Counsel, Mr. Hunt. Then I will show it
19 to you.

20 Mr. Hunt, what was your attitude toward President
21 Kennedy?

22 A. Well, he was a young man of my generation. I had met him
23 socially in Boston. Thought well of him. I can't say that I
24 was delighted that he was elected, because I am a Republican.

25 I served in the South Pacific the same time he did.

1 We were both Naval officers. At one time, I felt a great deal
2 of empathy for him.

3 Q. Were you ever involved in any kind of disinformation to
4 embarrass him?

5 A. President Kennedy?

6 Q. Yes.

7 A. No.

8 Q. Did you ever have discussions with Mr. Colson about forging
9 some cables in order to blame John F. Kennedy for the death of
10 the leader of South Vietnam?

11 A. Yes, that is a matter of public record. I can't remember
12 whether Kennedy himself was to be blamed. But certainly the
13 Nixon administration -- the Kennedy administration, by the
14 Nixon administration.

15 Q. Did you ever have discussions with Mr. Colson in which you
16 agreed to falsify State Department cables to show that presi-
17 dent John F. Kennedy's administration ordered the assassi-
18 nation of South Vietnamese President Diem?

19 A. I did.

20 Q. How did you? And, in fact, did you falsify and forge those
21 cables?

22 A. Did I? Yes, I did.

23 Q. How did you do that?

24 A. Well, I did that by this means: I checked all of the cable
25 material relating to the death of President Diem of South

1 Vietnam that was available in State Department files, and those
2 available in other agencies of the Government; such as NSA.

3 I found that there was a series of them that had been
4 taken out. They were not in the files. They were marked "at
5 Kennedy Library," which meant they had been taken up to the
6 J.F.K. Library, in Boston. Those files were not there. Those
7 cables were not there.

8 Using that particular time frame, I thought, knowing
9 what little I did about the background of the assassination, I
10 went ahead and provided cables that could logically have been,
11 in the sequential flow between Washington and Vietnam,
12 concerning the death of President Diem.

13 Q. What do you mean you provided cables? What did you do?

14 A. Did I say provided? 14 A. Did I say provided?

15 Q. I thought you did. 15 Q. I thought you did

16 A. Well, I fabricated them. 16 A. Well, I fabricate

17 Q. You -- 17 Q. You --

18 A. Fabricated, right. 18 A. Fabricated, right

19 Q. How did you do that? 19 Q. How did you do that?

20 A. How did I do it? You mean, mechanically? 20 A. How did I do it? You mean, mechanically?

21 Q. Yes. 21 Q. Yes.

22 A. I had them typed up on a typewriter, and they were Xeroxed,
23 and the Xeroxes were eventually shown to a person of Mr.
24 Colson's confidence, and in Time and Life.

25 Q. Is that Mr. Lambert? 25 Q. Is that Mr. Lambert?

1 A. Bill Lambert, yes.

2 Q. And were they shown to Mr. Lambert for the purpose of
3 publishing them?--

4 A. Yes.

5 Q. And were they shown to him with the assurance they were
6 genuine?

7 A. I have to think about that. It seems to me that he was
8 shown the cables in Mr. Colson's office, rather than in mine.
9 I don't recall that I showed them to him. I may have given
10 them to him.

11 Whether I said they were genuine or not is another
12 matter. I may have. It would have been tough for me to say
13 that, but I could have.

14 Q. Did you say, "These are forgeries. I just fabricated them.
15 I'd like you to put these forgeries in your publication"?

16 A. Of course not. Of course not.

17 Q. So, when you offered them to Mr. Lambert, you offered
18 them --

19 A. The implication is that they were the real thing, which
20 they were not.

21 Q. In essence, then, you forged documents in order to make it
22 seem that John F. Kennedy and his administration were involved
23 in assassinating the Head of State; is that correct?

24 A. Which I believed to be the case.

25 Q. You believed it to be true? But you --

1 A. I believed it to be true.

2 Q. And so you forged evidence to show that your theory about

3 the matter was accurate; is that correct?

4 A. That is correct, yes.

5 Q. Was that proper?

6 A. No, it was not proper.

7 Q. Was the material ever published?

8 A. Not to my knowledge.

9 Q. Did Mr. Colson thereafter deny that he had told you to do

10 this?

11 A. I don't know what Mr. Colson said.

12 Q. You never read that anywhere?

13 A. No, sir.

14 Q. This is an AP dispatch, published in the Chicago Sun Times,

15 May 8, 1973. This is certified copy from the Library of Congress,

16 which is Defense Exhibits AA. Congress, which is De

17 I ask you, in reading this, if you see the statement,

18 that in Washington, Colson issued a statement from his office,

19 denying he had ordered Hunt to falsify any documents?

20 A. I was in prison at the time, when Mr. Colson hadn't yet

21 reached prison. That is why I hadn't seen that.

22 Q. You had not heard he denied it?

23 A. No.

24 Q. Until now?

25 A. No. But Mr. Colson, of course, denied many things.

1 Q. Is Mr. Colson a kook, also, like Mr. Liddy?

2 A. I think that he was a far more sensible person than Mr.
3 Liddy. He was a loose-cannon around the White House.

4 Q. Which one was a loose cannon; or both of them?

5 A. Well, Mr. Colson had the President's ear. He was the loose
6 cannon around the White House.

7 O. All right. And this loose cannon told you to fabricate
8 documents, and you did it; is that correct?

9 A. I did.

10 Q. One last little piece of housekeeping, about a matter we
11 discussed yesterday.

12 Is it true that when you dropped the Weberman lawsuit,
13 on the day of trial, that it was really not dropped for no
14 money; but that, in fact, your attorney paid \$200 to
15 Weberman's lawyer, when the case was dropped?

16 The answer to that is either yes or no, if you know.

17 A. I have seen a press clipping to that effect.

18 Q. Do you know whether that is true or not?

19 A. I don't know.

20 Q. Have you seen any articles which stated -- published in the
21 press, which stated the -- raised the question of whether or
22 not you had received orders to kill Jack Anderson?

23 A. Yes, I think there has been a good deal of speculation
24 about that.

25 Q. Did you see an article which stated that you, in fact, had

1 told associates, after the Watergate break-in, that you had
2 been ordered in December '71 or January of '72, to assassinate
3 syndicated columnist Jack Anderson?

4 A. Absolutely impossible.

5 Q. Did you see the articles?

6 A. No, I didn't see the article.

7 Q. All right.

8 MR. SNYDER: Your Honor, the exhibit that Mr. Lane is
9 about to question Mr. Hunt on is a very large article. Perhaps
10 we ought to, need to take a five minute --

11 THE COURT: Are you planning to try to introduce this
12 in your case in chief?

13 MR. LANE: I do, Your Honor, yes.

14 THE COURT: Why not in your direct case?

15 MR. LANE: Well, I'd just have to call Mr. Hunt again.

16 THE COURT: Well, so -- 16

17 MR. LANE: We can do it in our case.

18 THE COURT: I thank you. Let's do it that way,
19 please. That will give them time to look at it. Do you have
20 any more questions?

21 MR. LANE: I have questions about the articles. I
22 will not offer it in evidence. I will take the Court's
23 suggestion, and introduce it in our case.

24 MR. SNYDER: Could he not ask the questions about the
25 the article?

1 THE COURT: I don't know why we can't take the entire
2 thing up at that time, and try to save time. That is my point.

3 MR. LANE: All right, Your Honor. We can do that, if
4 the Court prefers.

5 THE COURT: All right, let's provide Counsel.

6 MR. LANE: All right, yes.

7 MR. SNYDER: Your Honor, if Mr. Lane is going to
8 question Mr. Hunt on this article, we'd like to approach the
9 bench.

10 THE COURT: I don't know what it is. He hasn't even
11 asked him a question yet. Let's wait.

12 BY MR. LANE:

13 Q. All right. Do you know who Earl Golz is?

14 A. I have heard reference to the name, as a man who was to be
15 deposed in this case.

16 Q. Do you know that he was a journalist for the Dallas Morning
17 News in August, 1978?

18 A. I don't know that. You have identified him sufficiently.

19 Q. Do you know whether or not he questioned Stansfield Turner.
20 during August, 1978, regarding the memorandum referred to
21 specifically in the Wilmington News Journal, and referred to,
22 also, at much less detail, in The Spotlight publication?

23 A. I have no independent knowledge of that.

24 MR. SNYDER: Objection.

25 THE COURT: Objection sustained.

1 MR. LANE: Excuse me.

2 BY MR. LANE:

3 Q. I am going to show you Defendant's Exhibit CC for
4 Identification, and invite your attention to the article, the
5 top left corner, and ask you to read that, please, which is
6 Defendant's Exhibit C C for Identification.

7 An article which appeared in the Dallas Morning News,
8 on August 22, 1978.

9 Does it contain that?

10 A. Sir? That is the question to me, sir?

11 Q. Yes, sir.

12 A. Dallas Morning News, Tuesday, August 22, '78, yes, sir.

13 Q. And does it reveal that a discussion was had regarding the
14 CIA memorandum alleged in the two articles?

15 A. Discussion by whom? 15 A. Discussion by whom

16 Q. Any discussion? 16 Q. Any discussion?

17 MR. SNYDER: Are you asking him -- may I ask Your Honor
18 whether Mr. Lane is questioning the witness on the first
19 two paragraphs in the left corner, or something else?

20 MR. LANE: No. About anything in the article.

21 MR. SNYDER: Your Honor, I would object to any
22 questioning on the rest of the article, until the Court has an
23 opportunity to see it.

24 THE COURT: Well, I am not going to allow any inquiry
25 until we understand whether this witness has any knowledge

1 about the article, or anything else about it. You may then
2 attempt, on your case in chief, to show its relevance. I don't
3 know.

4 I am not making a ruling that is in cement. At this
5 time, it's not even in silly putty. But you may --

6 MR. LANE: Not even silly putty?

7 THE COURT: Well, you know, people talk about
8 something being in cement. I tell them not even in silly
9 putty.

10 You may offer it, or attempt to offer it again, during
11 your case in chief.

12 MR. LANE: I will. I am not offering at this point.
13 I am merely asking --

14 THE COURT: I think it's inappropriate. I think I
15 have sustained the objection.

16 MR. LANE: Very well.

17 BY MR. LANE:

18 Q. Now, on several occasions, Mr. Hunt, when confronted with
19 statements which you said were false statements about you, that
20 had been published in various places, you said you don't sue
21 everyone who defames you, and you don't have enough money to
22 make bring many lawsuits; is that correct?

23 A. That is absolutely right.

24 Q. Did you sue your former lawyer, Mr. Bittman (phonetic
25 spelling)?

1 A. I did.

2 Q. Bring an action against him, malpractice?

3 A. I did.

4 Q. Was that dismissed?

5 A. It was dismissed on statute of limitations.

6 Q. Did you bring a lawsuit against the Associated Press?

7 A. No.

8 Q. Did you bring a lawsuit against Gannett Publications?

9 A. No.

10 Q. Did you bring a lawsuit against the Wilmington News

11 Journal?

12 A. No, I did not. I was -- I had already targeted and was

13 involved in and awaiting a response from Liberty Lobby at that

14 point.

15 Q. Now, have you testified that the Wilmington, Delaware News

16 Journal story was one which was drawn from The Spotlight? was one

17 A. It was a derivative of The Spotlight article, and because I

18 hadn't then yet sued Liberty Lobby, I believed that Mr. Powers

19 was emboldened, as the paper was emboldened, to go ahead and

20 publish the longer, equally -- almost equally, defamatory

21 article.

22 Q. You said Mr. Powers. You mean, Miss Powers? You said Mr.

23 Powers.

24 A. Miss Powers, Mr. Trento, yes, sir.

25 Q. Now, on what basis do you take the position that the

1 Wilmington paper was derivative of The Spotlight article?

2 A. Because of several points in common.

3 Q. Do you know whether or not Mr. Marchetti, who wrote The
4 Spotlight article, had ever even met Mr. Trento, before Mr.
5 Trento wrote the Wilmington article?

6 A. No, and I don't think any such allegation has ever been
7 made.

8 Q. I am just asking if you know that they -- whether or not
9 they knew each other?

10 A. I don't know. I don't know Mr. Trento.

11 Q. Do you know whether or not Mr. Trento ever had even seen
12 the article written by Mr. Marchetti before he and Miss Powers
13 wrote the article which appeared in the Wilmington News
14 Journal?

15 MR. SNYDER: Objection, Your Honor. Relevance.

16 THE COURT: Overruled.

17 THE WITNESS: I don't know whether -- no, I don't. I
18 don't.

19 BY MR. LANE:

20 Q. Do you know that Mr. Trento has testified, in a deposition
21 in this case, that, in fact, he had never seen or heard of The
22 Spotlight article when he wrote his piece in the Wilmington
23 newspaper?

24 MR. SNYDER: Objection, Your Honor.

25 THE COURT: Objection sustained.

1 MR. LANE: May I know the reason for that?

2 THE COURT: Yes, sir. It's not relevant at this time.
3 And it certainly has not been authenticated in any way by you.

4 MR. LANE: May we approach the bench?

5 THE COURT: You certainly may.

6 (Sidebar conference as follows:)

7 MR. LANE: Your Honor, Mr. Hunt states that the
8 Wilmington article is derivative of The Spotlight article. And
9 the Wilmington article, it is one which is picked up by the AP
10 and circulated all around America. We have the right to prove
11 that that is not true, because of the question of damages.

12 THE COURT: It may have some relevance in your case
13 in chief, but not the cross-examination.

14 MR. LANE: Very well, Your Honor.

15 MR. SNYDER: Thank you, Your Honor.

16 THE COURT: Counsel, just so you understand me, the
17 objection is sustained. objection is sustained

18 (Sidebar conference ended.)

19 MR. LANE: May I just have one moment. Because of the
20 Court's ruling, we'll have to change our order here.

21 BY MR. LANE:

22 Q. Mr. Hunt, do you intend to call as witnesses in this trial,
23 as alibi witnesses for you, to establish that you were not in
24 Dallas, Texas, on November 22, 1963, any person, either through
25 deposition or in person, who was not an employee of the Central

1 Intelligence Agency?

2 A. I don't believe so.

3 MR. LANE: I have no further questions.

4 THE COURT: All right. Any redirect?

5 MR. SNYDER: Yes, sir.

6 REDIRECT EXAMINATION

7 BY MR. SNYDER:

8 Q. Mr. Hunt, do you recall being questioned by Mr. Lane, on
9 cross-examination, about the conclusions of the Rockefeller
10 Commission report?

11 A. I do, sir.

12 Q. Did the Rockefeller Commission make any findings with
13 respect to whether you were one of the tramps in Dealey Plaza,
14 in Dallas, Texas?

15 MR. LANE: Object to the question as irrelevant, Your
16 Honor.

17 THE COURT: Overruled.

18 THE WITNESS: The Rockefeller Commission found that I
19 was not one of the tramps.

20 BY MR. SNYDER:

21 Q. Mr. Hunt, I am showing you Pages 255 and 256 to 257, and
22 ask you to look at the third full paragraph, fourth, fifth, and
23 the first full paragraph on Page 257.

24 A. Just to look at them?

25 Q. Yes.

1 A. I have looked at them, sir.

2 Q. Are those the conclusions of the Rockefeller Commission
3 report to which you just testified?

4 A. They are.

5 Q. Would you read them, please?

6 A. Yes, sir. "The photographs of the derelicts --"

7 MR. LANE: Excuse me. I object to this on the grounds
8 of relevance. We have never asserted that he was one of the
9 tramps. He is now proving he wasn't. It's not an issue in
10 this case.

11 MR. SNYDER: It's very much at issue in this case,
12 Your Honor.

13 THE COURT: Let's have a sidebar conversation.

14 (Sidebar conference as follows:) 15 Sidebar conference

15 MR. LANE: My objection is we have never contended in
16 The Spotlight piece -- 16 The Spotlight piece

17 THE COURT: You have got nothing about -- 17 THE COURT:

18 MR. LANE: -- about the tramps. He talked about the
19 tramps.

20 THE COURT: If you ever attempted to put that in, the
21 jury would find itself so astounded. I can't believe --

22 MR. LANE: The article said that the Weberman book
23 made that statement.

24 THE COURT: I will --

25 MR. LANE: I never talked about the tramps. 25 MR. LANE:

1 THE COURT: If you didn't do so, you have so
2 inadvertently tried to cast someone in this --
3 MR. LANE: No, they have done it.
4 THE COURT: -- that I think it has to be --
5 MR. LANE: Your Honor --
6 THE COURT I think it is relevant.
7 MR. LANE: Your Honor, may I --
8 MR. SNYDER: Thank you.
9 MR. LANE: Excuse me. We have never raised that
10 question. They have raised it on direct.
11 THE COURT: I think you have.
12 MR. LANE: No, every time --
13 THE COURT: You certainly --
14 MR. LANE: Rockefeller --
15 THE COURT: He said -- you certainly worked --
16 MR. LANE: No, he would answer about the photographs.
17 I always tried to go back to the memorandum. I never asked a
18 question about the tramps. I don't believe he is in the
19 tramps.
20 THE COURT: If you stipulate before the Jury --
21 MR. LANE: Sir, we never said --
22 MR. SNYDER: Your Honor, the article itself contains a
23 headline that says --
24 MR. DUNNE: We'll take the stipulation.
25 THE COURT: Are you prepared to stipulation that --

1 MR. LANE: We'll stipulate the Church Committee
2 (phonetic spelling) said he wasn't one of the tramps.

3 MR. DUNNE: That's not quite it.

4 THE COURT: That is different. Objection noted and
5 overruled.

6 (Sidebar ended.)

7 THE WITNESS: Your Honor, may I have a recess?

8 THE COURT: About five minutes, then we'll take one.

9 BY MR. SNYDER:

10 Q. Continue reading, Mr. Hunt.

11 A. "The photographs of the derelicts in Dallas have been
12 compared with numerous known photographs of Hunt and
13 Sturgis, taken both before and after November 22, 1963.
14 Even to non-experts, it appeared there was, at best, only a
15 superficial resemblance between the Dallas derelicts and
16 Hunt and Sturgis. The derelict allegedly resembling Hunt
17 appeared to be substantially older and smaller than Hunt.

18 "The derelict allegedly resembling Sturgis appears to
19 be thinner than Sturgis, and to have facial features and
20 hair markedly different from those of Sturgis.

21 "The witness who testified to the 'striking
22 resemblance' between the derelicts and Hunt and Sturgis,
23 were not shown to have any qualifications in photo
24 identification, beyond that possessed by the average
25 layman. Their testimony appears to have been based on a

1 comparison of the 1963 photographs of the derelicts, with a
2 single 1972 photograph of Sturgis and two 1972 photographs
3 of Hunt. --

4 "Over 50 photographs taken of Hunt and Sturgis, both
5 before and after November 22, 1963, were submitted to the
6 FBI photographic laboratory for a comparison with all known
7 photographs of the derelicts. (The FBI assembled a complete
8 set of all photographs of the derelicts taken by three
9 photographers known to have photographed them.) The
10 comparison was made by FBI Agent Lindel L. Shannenfeld, a
11 nationally recognized expert in photo identification and
12 photo analysis.

13 "The report of Agent Shannenfeld, embodied in a report
14 to the FBI laboratory dated April 21, 1975, and signed by
15 Clarence M. Kelly, Director of the FBI, concluded that
16 neither E. Howard Hunt nor Frank Sturgis, appear as any of
17 the three derelicts arrested in Dallas, Texas, as shown in
18 the photographs submitted."

19 Q. Thank you, Mr. Hunt.

20 THE COURT: How much longer will you be on redirect?

21 MR. SNYDER: 45 minutes.

22 THE COURT: All right. Sidebar conference, please.

23 Ladies and gentlemen, I will let you take a recess. I
24 will be at a Judges' meeting. I am sure it won't take too
25 long. I will be back as quickly as I can.

1 (Jury left at 4:05 p.m.)

2 (Sidebar conference as follows:)

3 THE COURT: Gentlemen, first of all, unfortunately, I.
4 got the wrong information; the meeting is at 4:30, not 4:00.
5 And I don't know whether we want to try to go on after that, or
6 wait until 5:00 or what to do. I will get your thoughts on it.

7 Before we do that, we have gotten our first message
8 from the jury, which reads as follows. I will mark it for the
9 Court's Exhibits. It says, "May the Jurors keep in their --
10 stricken out -- my possession, in the courtroom, during the
11 trial, the copy of the article in Spotlight. It would
12 facilitate our comprehension of the proceedings, as they relate
13 to the different paragraphs and issues which are in question.
14 Respectfully, Mrs. S. N. Greet (phonetic spelling); P. S.: We
15 realize we'll have it after the trial:"

16 The simple answer is "no."

17 MR. LANE: The answer is no?

18 THE COURT: Yes, sir.

19 A very famous banker in New York said, "No is a
20 complete sentence." And that is what we'll tell them. Now --

21 MR. SNYDER: Your Honor --

22 THE COURT: Beg pardon?

23 MR. LANE: I take it you are not asking for our view
24 of this question.

25 THE COURT: I will be glad to listen to your view.

1 MR. LANE: I think, since the conclusion has already
2 been reached, there is no need discussing it.

3 THE COURT: Well, listen, if you stipulate to it, I
4 will be glad to --

5 MR. LANE: No, no, I don't care one way or the other.

6 MR. SNYDER: Are they asking to have it in the
7 courtroom or in the Jury Room?

8 THE COURT: Jury Room, that --

9 MR. SNYDER: Oh, no.

10 THE COURT: It's two noes, sir. Now, does it say
11 it -- let me see it again. Maybe that is a good point. Okay,
12 you got a good word. It's "courtroom." I read -- how about in
13 the courtroom?

14 MR. SNYDER: Yes.

15 MR. LANE: I have no objection to them having one in
16 the courtroom. -

17 THE COURT: Okay in the courtroom, and not in the Jury
18 Room. All right.

19 What do we want to do about the evening? You've got
20 another hour, you say. I won't be back, I am almost positive,
21 until sometime close to 5:00.

22 MR. LANE: Judge, were you --

23 MR. SNYDER: Judge, were you planning to go to 6:30?

24 THE COURT: I was at one time. We bogged down so.

25 MR. SNYDER: We have out-of-towners who have traveled

1 really long distances, who are holed up in hotels. If we could
2 just push ahead, I would be very grateful.

3 THE COURT: Well, pushing ahead sort of is in your
4 baliwick. If you push ahead quickly with the witness --

5 MR SNYDER: I will push very quickly.

6 THE COURT: Well, do you need a full hour?

7 MR. SNYDER: No, sir.

8 THE COURT: Okay. I thought maybe I could squeeze
9 that out. All I can say, gentlemen, I will go at 4:30. We'll
10 come back as soon as I can. We'll work until 6:15.

11 MR. SNYDER: Thank you, Judge.

12 THE COURT: Try to go from there.

13 MR. LANE: I would rather end, if we could, a little
14 before 6:00, Your Honor; if that is possible.

15 THE COURT: Do you have a dinner date? THE COURT: D

16 MR. LANE: Not yet. But, of course. MR. LANE: No

17 THE WITNESS: Always the optimist? THE WITNESS: O

18 MR. LANE: You never can tell. MR. LANE: Y

19 THE COURT: I think we'll go until about 6:00, in that
20 neighborhood. Just tell the Jury to hang around. Remind me to
21 bring this up. I will tell them yes, Marshal. We'll give them
22 copies when they are here. Collect them when they go. They
23 are not to take them in the Jury Room.

24 All right, gentlemen, I will be back later. I will be
25 back just as quickly as I am able.

1 (Recess from 4:35 p.m. to 5:12 p.m.)

2 THE COURT: Sidebár, please.

3 (Sidebar conference off the record.)

4 (Sidebar ended.)

5 THE COURT: Bring the Jury, please, Marshal.

6 (Jury entered at 5:13 p.m.)

7 THE COURT: Thank you. We'll go ahead a little
8 longer. Continue with your redirect examination.

9 The answer to the question that was written by one if
10 the Jurors is yes, you may have the article in court. Don't
11 take it to the Jury Room. Leave it in the seat.

12 Please pass out -- are they on the arm there, Marshal?

13 MR. DUNNE: I believe they have them.

14 THE COURT: Everyone has what they wanted? Go ahead.

15 BY MR. SNYDER:

16 Q. Mr. Hunt, did this Rockefeller Commission come to any
17 conclusions about the allegations of the CIA participation in
18 the assassination of President Kennedy?

19 A. It did.

20 MR. LANE: Object as irrelevant, Your Honor.

21 THE COURT: Objection noted and overruled.

22 THE WITNESS: It did, sir. Among its conclusions --
23 and there were several conclusions -- was that the CIA had no
24 role whatever in the death, the assassination of President
25 Kennedy; nor did the FBI.

1 BY MR. SNYDER:

2 Q. Mr. Hunt, would you turn to Page 269 of the Rockefeller
3 Commission report, under heading "Conclusions?" That is the
4 conclusion to which you are referring?

5 A. Yes, sir.

6 Q. Would you read it, please?

7 A. "Numerous allegations have been made that the CIA
8 participated in the assassination of President John F.
9 Kennedy. The Commission staff investigated these
10 allegations. On the basis of the staff's investigation,
11 the Commission concluded there was no credible evidence of
12 any CIA involvement."

13 Q. Turning now to the report of the House Select Committee on
14 Assassinations -- I am sorry, one more question, Mr. Hunt. --

15 On the Rockefeller Commission report, did the Rockefeller
16 Commission come to any conclusions with respect to whether you and
17 were in Mexico City in 1963? 17 were in Mexico City in

18 A. Yes, sir.

19 Q. Would you turn to Page 260, and look at the first full
20 paragraph and the second full paragraph?

21 A. Yes, sir.

22 Q. Are those the conclusions to which you are referring?

23 A. Yes, sir.

24 Q. Would you please read them?

25 A. The conclusion or the paragraph?

1 MR. LANE: Excuse me. I don't think this has any
2 relevance to the issues in this case; whether he was in Mexico
3 City.

4 THE COURT: Objection is overruled.

5 THE WITNESS: Both paragraphs, sir, in this entirety,
6 or just the conclusion?

7 BY MR. SNYDER:

8 Q. Yes, both paragraphs.

9 A. Thank you.

10 "The same witness testified that E. Howard Hunt was
11 Acting Chief of a CIA station in Mexico City, in 1963,
12 implying that he could have had contact with Oswald when
13 Oswald visited Mexico City in September, 1963. Hunt's
14 service in Mexico City, however, was 12 years older, in
15 1950 and 1951. And his only other CIA duty in Mexico
16 covered only a few weeks in 1960. At no time was he ever
17 the Chief or Acting Chief of a CIA station in Mexico City.

18 "Hunt and Sturgis categorically denied they had ever
19 met or known Oswald or Ruby. They further denied they had
20 ever had any connection whatever with either Oswald or
21 Ruby."

22 Q. Thank you, sir.

23 Do you recall testifying about your appearances
24 before the House of Representatives Select Committee on
25 Assassinations?

1 A. I do.

2 Q. Was the Committee able to come to any conclusions, based --
3 about the involvement of the Central Intelligence Agency in the
4 assassination of President Kennedy?

5 A. It did.

6 Q. Mr. Hunt, I am showing you Page 225, the paragraph labeled
7 "Conclusions." Are those the conclusions to which you
8 referred?

9 A. Yes, sir.

10 Q. Would you please read them?

11 A. "Based on the Committee's entire investigation, it
12 concluded that the Secret Service, FBI and CIA were not
13 involved in the assassination. The Committee concluded
14 that it is probable that the President was assassinated as a
15 result of a conspiracy. Nothing in the Committee's of a con-
16 investigation pointed to official involvement in that conspiracy.
17 conspiracy

18 While the Committee frankly acknowledged that its
19 investigation was not able to identify the members of the
20 conspiracy, besides Oswald, or the extent of the con-
21 spiracy, the Committee believed that it did not include the
22 Secret Service, Federal Bureau of Investigation or Central
23 Intelligence Agency."

24 Q. Mr. Hunt, do you recall testifying that you asked the House
25 Select Committee to furnish you with a copy of the so-called

1 CIA memorandum; if indeed they had one?

2 A. I do.

3 Q. Do you recall your testimony that you asked your then
4 lawyer, Ellis Rubin, to ask the Committee to make reference to
5 the existence or nonexistence of such a memorandum in its final
6 report?

7 A. I made such a request.

8 Q. I ask you, Mr. Hunt, to turn to Page 91 of the report,
9 Footnote 23. Are these the conclusions of the Committee?

10 A Yes, sir.

11 Q. Would you read them, please?

12 A. "During the course of the Committee's investigation, a
13 rumor was circulating that the Committee had uncovered a
14 memorandum in CIA files indicating Hunt was in Dallas on
15 November 22, 1963. The rumor was not founded on fact. In
16 addition, Hunt gave the Committee a sworn deposition, in
17 which he denied the allegation, and the Committee found no
18 evidence that contradicted Hunt's deposition."

19 Q. Thank you, Mr. Hunt.

20 Mr. Hunt, do you recall testifying, in cross-
21 examination yesterday, that a representative of the United
22 States Department of Justice had approached you during the
23 course of your testimony, and advised you not to disclose still
24 classified information?

25 A. Yes, sir, I do.

1 Q. Is the representative of the Justice Department in the
2 courtroom --

3 MR. LANE: I object to that, Your Honor.

4 THE COURT: Objection sustained. I sustained it
5 yesterday. And that didn't allow it to go any further. I
6 don't intend to allow it to go any further.

7 MR. SNYDER: May we approach the bench?

8 THE COURT: You sure may.

9 (Sidebar conference as follows:)

10 MR. SNYDER: Your Honor, the point is --

11 MR. LANE: I think it should be fit in --

12 MR. SNYDER: The point is to show Mr. Hunt was not
13 inviting something when he said a representative of the Justice
14 Department came to him during the course of this trial care to him

15 THE COURT: I have said that wasn't relevant. It isn't
16 not relevant. I will strike it, if you want it stricken. It will
17 has no bearing on the issues in the case. has no bearing on the

18 That is what I ruled on their side, and that is what I
19 am going to rule on your side. All right.

20 (Sidebar conference ended.)

21 THE COURT: Objection sustained.

22 BY MR. SNYDER:

23 Q. Mr. Hunt, do you recall testifying, in your cross-
24 examination, that there came a time when you dismissed your
25 lawsuit against Allen J. Weberman? 25 1: 4:00 PM

1 A. Yes, sir.

2 Q. Would you tell the ladies and gentlemen of the Jury why you
3 dismissed your suit against Allen J. Weberman?

4 MR. LANE: I object, Your Honor.

5 THE COURT: Overruled. I assume, from my ruling
6 yesterday, you have couched this in accordance with my ruling.

7 MR. SNYDER: Absolutely.

8 THE COURT: All right.

9 BY MR. SNYDER:

10 Q. You may answer.

11 A. Yes. Trial was ultimately set, and my libel action
12 against Weberman, Canfield and the Third Press, for the 27th of
13 August, 1982.

14 The prior week, I had been preparing to testify, and
15 my attorney had been suggesting I read certain documents. And
16 in short, I was looking forward to trial opening on Friday,
17 the 27th of August, 1982.

18 MR. LANE: I object, as the answer is not responsive.

19 THE COURT: Objection is sustained. Respond directly
20 to the question.

21 BY MR. SNYDER:

22 Q. Why did you dismiss it?

23 A. I dismissed it because I had found out, sometime earlier,
24 that the defendants were indigent. That the original publisher
25 had fled back to Nigeria, leaving a bankrupt corporation.

1 In the second place, I had agreed earlier, with my
2 then attorney, Mr. Ellis Rubin, that if I could at least get
3 some of my court costs out of it, \$5,000, I would be willing to
4 call the thing off.

5 With that understanding -- well, we considered that
6 for a while, and he pointed out to me that -- and I better read
7 this, excuse me, precisely -- that less than eight months be-
8 fore that dismissal, I had been vindicated of the accusations
9 relating to the Kennedy assassination, and in a civil court of
10 law, when I was awarded a splendid money judgment in my favor.

11 Accordingly, the arrangement was if I could get \$5,000
12 in expenses, I would call off the suit.

13 When I inquired of my attorney's office of which
14 courtroom I should appear, I was told that the matter had been
15 settled. I said, "Then I will have a check for \$5,000." I said, "I
16 later learned that Mr. Rubin, who at that time represented an
17 Arab Sheik named Al Fassi, was not around, and apparently the
18 matter had been settled far from my satisfaction. So, I never
19 got a penny of money from it.

20 Q. Well it's your testimony that Mr. Rubin dismissed the case
21 without getting the \$5,000?

22 A. Yes, sir.

23 MR. LANE: That is leading, Your Honor.

24 THE COURT: Sustained.

25 THE WITNESS: I never got any money from Mr. Rubin at

1 all.

2 BY MR. SNYDER:

3 Q. Mr. Hunt, do you recall testifying in great detail yester-
4 day about your testimony in the 1974 Watergate coverup trial,
5 known as United States of America versus John Mitchell, et al?

6 A. I do remember.

7 Q. And do you recall that you were questioned about a number
8 of instances where the Assistant Special Prosecutor, Richard
9 Benevente (phonetic spelling) took you through a number of
10 instances where you had testified falsely before the Watergate
11 Grand Jury, in 1973?

12 A. Yes, sir.

13 Q. What was the purpose of your testifying in the Watergate
14 coverup trial about previous false statements?

15 MR. LANE: Object to that as irrelevant.

16 THE COURT: Overruled.

17 THE WITNESS: You and I had agreed at that time, sir,
18 that the only wise, and certainly the honorable course of
19 action for me, was to purge myself of the falsehoods that I had
20 told for a limited period of time, in 1973, when I was then
21 still a member of the Watergate coverup.

22 I had been summoned to testify in the Government case
23 against John Mitchell and some of his colleagues. And in order
24 to do so, I made public recantation in the courtroom of these
25 many falsehoods that I had previously told. I repented, came

1 clean, and since that time, have never told a falsehood.

2 MR. SNYDER: Thank you, sir.

3 May I have a moment, Your Honor?

4 THE COURT: Yes, sir,

5 MR. SNYDER: That completes the redirect.

6 THE COURT: Thank you. You may step down. Thank you.

7 (Witness excused.)

8 THE COURT: Call your next witness.

9 MR. SNYDER: Mr. Edward Dunne.

10 EDWARD J. DUNNE, JR., PLAINTIFF'S WITNESS, SWORN.

11 THE COURT: Be seated. Give us your full name and
12 address, for the record, please. Spell your last name.

13 THE WITNESS: My name is Edward J. Dunne, Jr.-

14 D-u-n-n-e. I reside at 8385 Southwest 158 Street, Miami, Fla.
15 Florida.

16 DIRECT EXAMINATION

17 BY MR. SNYDER: 17 BY MR. SNYDER:

18 Q. Mr. Dunne, by whom are you employed?

19 A. I am presently retired.

20 Q. What was your employment prior to your retirement?

21 A. I was a Special Agent of the Federal Bureau of
22 Investigation for more than 30 years.

23 Q. And where did you serve the FBI, what locations?

24 A. Washington, D. C.; Philadelphia, Pennsylvania; Richmond,
25 Virginia; New York; Boston, Massachusetts; Providence, Rhode

1 Island; Miami, Florida.

2 Q. Do you know the Plaintiff in this case, Mr. E. Howard Hunt,
3 Jr.?

4 A. Yes, I do.

5 Q. How long have you known Mr. Hunt?

6 A. I have known Mr. Hunt since 1939.

7 Q. Where did you meet Mr. Hunt?

8 A. We met at Brown University, Providence, Rhode Island, where
9 we were both students.

10 Q. Have you known Mr. Hunt continuously since then?

11 A. Yes, I have.

12 Q. Did there come a time when you became aware of what has
13 been admitted into evidence in this case as Exhibit No. 1, the
14 article of The Spotlight magazine, dated August 14, 1978?

15 A. Yes, I became aware of that.

16 Q. When did you become aware of it?

17 A. Sometime in 1970, a mailman, delivering mail at my
18 residence, mentioned to me that "Your friend Mr. Hunt has been
19 prominently -- "

20 MR. LANE: Your Honor, object.

21 THE COURT: Sustained.

22 BY MR. SNYDER:

23 Q. Don't tell us what your mailman said, but he is the one
24 that told you?

25 A. He is the one that told me.

1 O. What, if anything, did you do?

2 MR. LANE: Object to the statement that "he is the one
3 that told you" or "he is the --" that is the hearsay we are
4 objecting to. I ask it be stricken.

5 THE COURT: Overruled. Motion to strike denied.

6 Next question.

7 BY MR. SNYDER:

8 Q. You may answer.

9 A. What is the question, please?

10 Q. What did you then do? What, if anything?

11 A. I notified Mr. Hunt.

12 Q. What did you tell Mr. Hunt?

13 MR. LANE: Object. That is hearsay.

14 THE COURT: Sustained.

15 BY MR. SNYDER:

16 Q. What happened next?

17 A. Subsequently, I had met Mr. Hunt at a health club where we had
18 were meeting on an almost daily basis in those days. And he
19 had brought with him this article from Spotlight.

20 Q. What did Mr. Hunt say to you?

21 A. We was very upset about it.

22 MR. LANE: Object to that, Your Honor. Hearsay.

23 THE COURT: Sustained.

24 BY MR. SNYDER:

25 Q. What was Mr. Hunt's demeanor?

1 A. In my judgment, he was very upset.

2 Q. Mr. Dunne, in your professional association with the
3 Federal Bureau of Investigation, the FBI, did there come a time
4 when you became involved in the traffic, that is, the commun-
5 ications relating to the assassination of President John
6 Kennedy?

7 A. Yes.

8 Q. What was your involvement?

9 A. I was assigned to the Providence, Rhode Island, Resident
10 Agency of the FBI at that time. And on the assassination of
11 President Kennnedy, the FBI mounted a massive investigation.

12 And as a result, we had several investigatory leads in
13 the Providence and Rhode Island area. These basically in-
14 volved, as I recall, the weapon that was involved.

15 MR. LANE: Your Honor, I can't see how any inves-
16 tigation in Providence, Rhode, Island, has any relationship
17 whatever to the issues in this case.

18 MR. SNYDER: I will link it up, Your Honor.

19 THE COURT: All right, I will reserve ruling on any
20 motion you have.

21 BY MR. SNYDER:

22 Q. Mr. Dunne, what, in your judgment, having worked for the
23 FBI for 30 years, would be involved if the FBI had decided to
24 investigate an alumnus of Brown University, with respect to his
25 involvement or non-involvement in the Kennedy killing?

1 MR. LANE: Object to the question, Your Honor. I
2 don't understand it.

3 MR. SNYDER: I think this is within the
4 expertise --

5 THE COURT: What is the relevancy?

6 MR. SNYDER: If you would like me to come to the bench
7 and proffer --

8 THE COURT: Just tell us about it. Just yell it; what
9 relevance it would have.

10 MR. SNYDER: Mr. Dunne will testify that he is -- that
11 all investigations relating to Brown University graduates would
12 have come through him, and that no such request --

13 THE COURT: Then ask him that question.

14 MR. SNYDER: Yes.

15 BY MR. SNYDER: 15 BY MR. SNYDER:

16 Q. Would investigations of Brown University graduates have come
17 through you or through someone else? 17 through you or through

18 A. No, they would go through me. I handled most of the
19 investigations at Brown University.

20 Q. When someone is investigated by the FBI, how far back into
21 that person's past does the FBI go?

22 MR. LANE: Object to that, Your Honor.

23 THE COURT: Overruled.

24 BY MR. SNYDER: 24 BY MR. SNYDER:

25 Q. You may answer. 25 Q. You may answer.

1 A. In a case of this nature, we would start from date of his
2 birth, and carry it right through to the present.

3 Q. Was a request ever made of you to investigate Mr. Hunt?

4 MR. LANE: I object to that, Your Honor. This is a
5 Rhode Island office. If they want to find out what the FBI did
6 in this area, there are a lot of ways to do it; not a friend,
7 who happened to be in Rhode Island at this time.

8 THE COURT: Overruled, on the grounds stated.

9 BY MR. SNYDER:

10 Q. You may answer.

11 A. What is the question, again, please, sir?

12 (Reporter read back pending question.)

13 THE WITNESS: No.

14 MR. SNYDER: No further questions.

15 THE COURT: Cross.

16 CROSS EXAMINATION

17 BY MR. LANE:

18 Q. When did you say you first saw The Spotlight article, Mr.
19 Dunne?

20 A. I saw it at the gym.

21 Q. The date is what I am asking.

22 A. I really don't recall, Counselor, specific date.

23 Q. Was it in 1980?

24 A. Oh, no, it was 1978.

25 Q. Do you recall the time of the year?

1 A. I don't recall the specific month, no.

2 Q. Is it your testimony, Mr. Dunne, that if there was any
3 investigation of anyone who had ever attended Brown University,
4 in relationship -- if the investigation was in relationship to
5 the assassination of President Kennedy, or any part in that
6 assassination, that that investigation would be referred to
7 you, in Providence, Rhode Island?

8 A. Probably would, sir, yes.

9 MR. LANE: I have no further questions.

10 THE COURT: Thank you, sir. You may step down.

11 (Witness excused.)

12 THE COURT: Call your next witness.

13 MR. SNYDER: We would like to read a short deposition.

14 THE COURT: Ladies and gentlemen of the Jury, if you
15 will, listen to me for just a moment, please. As you have
16 heard, Counsel announced he now desires to what we call publish
17 or have read to you testimony of a witness, which has been
18 taken in form of what we call a deposition.

19 Ordinarily, under the rules of procedure governing the
20 preparation of a case for trial, the parties are permitted to
21 take and record the testimony of witnesses under oath, in the
22 same manner as you have seen witnesses sworn and questioned
23 here before you. And, under certain conditions, that
24 testimony, which is called a deposition, may then be offered as
25 evidence before the Jury at the trial.

1 You should consider such deposition testimony,
2 evaluate the weight or credibility to which it is entitled, in
3 the same way that you would consider and evaluate all the other
4 testimony in the case. In other words, you should listen to
5 the deposition, just as though the witness was here in person,
6 testifying before you.

7 You may proceed.

8 MR. LANE: Excuse me. May we know which deposition
9 this is, so we may secure a copy?

10 THE COURT: Yes, I think that is reasonable.

11 MR. LANE: Thank you, Your Honor.

12 MR. SNYDER: This is the deposition of Mr. Walter P.
13 Kuzmuk.

14 MR. LANE: May we have a moment to find the copy?

15 THE COURT: Yes, sir.

16 MR. LANE: If there was more than one of Mr. Kuzmuk,
17 we'd like to know which one, the date.

18 THE COURT: I am going to violate the Court rule and
19 let you discuss it with him.

20 MR. LANE: Thank you very much, Your Honor. We are
21 very grateful.

22 December 7th?

23 MR. DUNNE: December 7, 1981.

24 MR. SNYDER: December 15th.

25 MR. LANE: You work it out.

1 THE COURT: All right.

2 MR. DUNNE: No, we're not in disagreement. It's the
3 December 7th testimony.

4 (Discussion.)

5 MR. LANE: December 7th, 1981. Thank you very much.

6 "Q. What is your name and address, please?

7 "A. Walter P Kuzmuk, K-u-z-m-u-k, 1127 Steamboat Road,
8 Shadyside, Maryland- 20764.

9 "Q. What do you do for a living, sir?

10 "A. I work for the Central Intelligence Agency.

11 "Q. How long have you be so employed?

12 "A. Some 26 and one-half, almost 27 years.

13 "Q. Do you know E. Howard Hunt?

14 "A. Yes I do.

15 "Q. When did you first meet him?

16 "A. I first met Howard in Newport, California, in January, not How
17 1945."

18 MR. LANE: I think the answer was read incorrectly. -- I
19 ask it be read correctly this time.

20 THE COURT: All right. I don't happen to have a copy.
21 Counsel, repeat the question and answer.

22 "Q. When did you first meet him?

23 "A. I met Howard in Newport, California, in January 1945.

24 "Q. Was he with the Agency at that time?

25 "A. Well, at that time, it was called Office of Strategic

1 Services.

2 "Q. And over the years, did you keep track of each other?

3 "A. As we normally do in the Agency, different job assign-
4 ments, et cetera, but we did. We lived close to each other
5 later, in Bethesda.

6 "Q. 1964, where were you stationed?

7 "A. I was stationed here, in Washington, D. C.

8 "Q. Do you know where Howard Hunt was stationed?

9 "A. In Washington, D. C.

10 "Q. Did you see each other?

11 "A. Yes, on a daily basis.

12 "Q. Daily basis? Did you work out of the same office?

13 "A. We work out of the same building, on the same floor.
14 Adjacent offices.

15 "Q. Did you socialize at all?

16 "A. Yes, we lived within four or five houses of one another's
17 homes. My wife was friendly with his wife, and my children
18 were friendly with his children.

19 "O. All right. Getting to November of 1963, did anything
20 unusual happen during that month, that stands out in your
21 memory?

22 "A. Very much so.

23 "Q. What is that?

24 "A. The assassination of President Kennedy.

25 "O. Do you know the exact date?

1 "A. Unfortunately, no, but it was on the 20th, 21st or --

2 "Q. Would November 22nd -- would that refresh your
3 recollection? --

4 "A. I was thinking 21st or 23rd, somewhere in there. The 22nd
5 is fine.

6 "Q. Do you recall that day in your memory? That is, what did
7 you do that day. Almost everybody does.

8 "A. Right. Of course, I got into the office in the morning,
9 and then lunchtime arrived. And as usual, several of us got
10 together and we went to lunch. And we went to lunch at Duke
11 Sebert's (phonetic spelling), right around the corner from
12 where the office was, practically. And I was with several of
13 my colleagues. I guess it was around 1:00 or 1:30 in the
14 afternoon.

15 We came out, and Duke Sibert's, I think, is one lane out,
16 Street, used to be on L Street, right around the corner. In be on
17 coming up Connecticut Avenue, coming back to our office, the
18 Mayflower is across the street, so I don't remember exactly the
19 location, and I saw a car go by and I noticed Howard and Betty.
20 Not Betty --

21 "Q. Dorothy?

22 "A. Dorothy. And I waved at them.

23 "Q. What kind of car was it?

24 "A. It was a Chevrolet, I thought.

25 "Q. Had you seen him in that car before?

1 "A. We rotated in a car pool. I had a little Morris Minor,
2 and every now and then I would pick him up, and every now and
3 then he would pick me up. But, usually, Dorothy drove it,
4 because she had the kids and dropped them off at the boys'
5 school up on Wisconsin Avenue, the Sidfrendwell (phonetic
6 spelling), and then she would drive us downtown, and drop us
7 off and pick us up in the afternoon, when we had to drive, when
8 he had to drive.

9 But when I drove, I parked the car. I am pretty sure
10 it was a Chevrolet. I think it was a white Chevrolet, 4-door
11 sedan.

12 "Q. How do you know it was Howard Hunt?

13 "A. Well, you see a person, you recognize him or you don't.
14 It was Howard, and I hollered at him, 'Howard.'

15 "O. Did he yell back?

16 "A. Yes, he waved.

17 "Q. Did you go back to work that day, from lunch?

18 "A. I did. Like I say, it was either between 1:00, probably
19 closer to 2:00 in the afternoon. At this point, I didn't know
20 anything had taken place. When we walked into the office and
21 when we were in the -- and we were in the Potomac Building
22 here, where our offices were at that point, between 17th and
23 18th, I think it is on H -- I think it is L -- we got in
24 there, someone said, 'Have you heard?' 'Heard what?'.
25

And then we found out that this had taken place, the

1 assassination or attempted assassination, at that point, of the
2 President, in Dallas, Texas. And someone had a radio, and we
3 listened to the news. And about that time, everybody was
4 taking off to go home or something. We hung around there for
5 quite awhile.

6 "Q. Did Howard come back to work?

7 "A. I did not see him, if he did. I did not see him in the
8 building. But I did see him that afternoon, on the corner, and
9 he was with his wife, and I greeted him. I shouted at him.

10 "Q. And all that took place in Washington, D. C.?

11 "A. Right. Oh, well, it would be Connecticut Avenue, near
12 Duke Sebert's, which is no longer there. And that is on L
13 Street. If I had a map -- it was right there on the corner.
14 Used to be an exclusive men's shop on the corner of Duke
15 Sebert's, and I think he was going into that damn thing. I am
16 not sure. 16 not sure.

17 "Q. Do you recall when the next time you saw Howard Hunt was? Was
18 it later in the day, or the next day or --

19 "A. It wasn't that day. I probably didn't see him for a
20 couple of days. We didn't have -- our jobs did not overlap on
21 a day-to-day association. Just meet in the hall and meet at
22 the staff meetings, et cetera, et cetera. But, I don't -- I
23 can't say that I did see him. I know I didn't see him that
24 day, after I did greet him on the corner. Wasn't that on a
25 Thursday or a Friday, this thing took place?

1 "O. Friday.

2 "A. So, if I did see him, it's the first of the week.

3 "Q. All right. After 1963, did you see him?

4 "A. Oh, yes. We stayed in that building and moved across the
5 way, and then we carpooled almost, well, every day, unless I
6 was out of the city or he was out of the city for some reason.
7 But until I left, in December, 1964, on a daily basis.

8 "Q. Of --

9 "A. Weekends, he borrowed handsaws from me and I borrowed
10 handsaws from him.

11 "Q. Did he ever tell you that he had been in Dallas, Texas,
12 the day President Kennedy was shot?

13 "A. No, sir.

14 "Q. Do you know if he was ever questioned about it?

15 "A. Not to my knowledge.

16 "Q. As the years went by, did you ever hear stories or read
17 anything that Howard was accused of having been in Dallas,
18 Texas, at the time of the President's death?

19 "A. I was somewhere on the road. I picked up a paper. It was
20 photographs, circled photographs, showing -- trying to identify
21 people. And one -- whether it was in what paper, I don't
22 know -- could have been a Washington paper, I am sure it was --
23 of trying to identify people in these circles. And I think at
24 that point, it indicated that they were trying to hitch it to
25 that it was a picture of Howard Hunt.

1 . And I think I was down in the Keys. It must have been
2 in the Miami -- it must have in The Miami Herald, because I was
3 down at the Keys, and I knew Howard was still up in the Eglin
4 area at that point. And I think I wrote Howard a letter, to
5 you, to please forward it to Howard.
6 "Q. Yes."

7 MR. LANE: I think that was not read correctly. Would
8 you read the last --

9 MR. SNYDER: The last?

10 MR. DUNNE: The entire answer?

11 MR. LANE: Just the last sentence.

12 "A. And I think I wrote a letter to you, to please forward it
13 to Howard.

14 "Q. Yes.

15 "A. And that is what triggered my getting in touch with
16 Howard, because I didn't want to get in touch with Howard, I did
17 under the other circumstances. 17 under the other circu

18 "Q. When you saw the pictures in the paper --

19 "A. I remember reading something that indicated that Howard
20 Hunt was in Dallas at the time of the President's assassi-
21 nation. And I felt --

22 "Q. Why did you contact me?

23 "A. Because I didn't want to write through Eglin.

24 "Q. What did you want to tell me?

25 "A. I sent you a note and a letter addressed to Howard in it.

1 And in the letter to Howard, I said that I thought this was
2 not -- I read this article -- in fact, I may have cut the thing
3 out. I think it was in The Miami Herald. And I cut it out,
4 and I said, 'I know that is not so, that you were in the office
5 that day, and I met on you the corner.'

6 That is what prompted me, because I didn't feel this
7 was quite right.

8 "Q. Could that have been in 1975?

9 "A. Not in '75, I didn't get down to the Keys. It was January
10 of '76. It could have been '77, 76 or '77. I am not sure."

11 MR. SNYDER: Then Mr. Rubin said, "That is all I have.
12 You may inquire."

13 Then Mr. Lee, Counsel for the Defendant says, "Thank
14 you, I will." And this is Mr. Lee.

15 "Q. Sir, what was your title when you worked for the CIA, in
16 1963?

17 "A. In what regard do you mean title?

18 "Q. Or position with the CIA? In what capacity were you
19 working there?

20 "A. Well, in the language of the Agency, I was a case officer,
21 if that means anything to you."

22 "Q. Who was your superior or supervisor?"

23 "A. At that point, it was a fellow by the name of Robert
24 Mahoney.

25 "Q. Is he still with the Agency?

1 "A. No. We're all retired, all of that group.

2 "Q. Do you know in what capacity Mr. Hunt was working for the
3 CIA at that time?

4 "A. He was in charge of that particular assignment. He was
5 working in this outfit under a man who is now dead, Tracy
6 Barnes.

7 And he was in the -- well, we called it in the
8 propaganda division, a writer, which his MO is to start with.

9 "Q. Do you know who his department supervisor or immediate
10 supervisor was?

11 "A. I believe he answered directly to Tracy, at that point.
12 It was a brand new division. It hadn't really settled down.

13 "Q. Who was Tracy?

14 "A. Tracy Barnes was charged with the responsibility of this
15 newly created division, and we all went over to it.

16 "Q. Well, based on what you said a few minutes ago, I gather on
17 that you consider yourself to be good friends with E. Howard
18 Hunt; is that true?

19 "A. Over the years, I would say yes. We weren't friends, that
20 when he got sick or I got sick, we cried on each others
21 shoulders. But I respected him, as he did me. And we knew
22 each other since, like I said, January of 1944. He was a 2nd
23 John, and so was I.

24 "Q. Maybe you should explain what that is.

25 "A. A 2nd Lieutenant.

1 "Q. You say you car pooled with him?

2 "A. Yes. We lived within 50 yards of one another, in Sumner.

3 "Q. Now, this day you saw him in -- you described it as a
4 white Chevrolet?

5 "A. This car.

6 "Q. I am sorry. This car you say you saw him in, you
7 described it as white Chevrolet?

8 "A. I thought it was a white Chevrolet. He had a station
9 wagon, also. They had several cars.

10 "Q. Were these cars cars which belonged to him? You mentioned
11 a carpool. Were these cars that belonged to the Government?

12 "A. No. When we say car pool, in this case it's our
13 individual vehicles that we pooled, because we had to come down
14 to town and there were no provisions for parking. We footed
15 that bill.

16 So rather than foolishly all go in several different
17 cars, we would get together and create our own car pool. And
18 one week he would drive in, and the next week I would drive,
19 and we had a third party and they would drive.

20 "Q. So all the cars you were referring to were privately
21 owned?

22 "A. Personally owned, yes.

23 "Q. You have already discussed seeing Mr. Hunt after the date
24 of the Kennedy assassination. When is the last time you recall
25 seeing him before the date of the Kennedy assassination?

1 "A. Before?

2 "Q. Before the day of the Kennedy assassination?

3 "A. Well -- --

4 "Q. You said, I believe, that you saw him within, or maybe you
5 didn't see him, for a couple of days afterwards. When did you
6 last see him prior to that day?

7 "A. Probably that week. A lot of times something would
8 happen, and I couldn't come downtown, and I would call Howard
9 that morning and say, 'Howard the car pool is off. I have to
10 go in another direction.' And he would find a ride downtown.

11 I am pretty sure one day he was ill. It could have
12 been a couple of days. A couple of days, could have been early
13 in the week. I am pretty sure it wasn't a two-week or ten-day
14 period that I didn't see him prior to that eventful assassination
15 date, if that is what you are asking.

16 "Q. I am not. You said you were sure-- that you said you were
17 were sure there were several days in which you didn't see him
18 prior to that date?

19 "A. Could have been.

20 "Q. Do you remember riding in to work with him the morning of
21 the Kennedy assassination?

22 "A. No, I don't think so. I don't remember how I got in;
23 whether I drove in myself, or not.

24 "Q. Did you say someone was ill during that week? I thought
25 you said that.

1 "A. I am not sure whether he was in the office that day. I
2 mean, it's easy to be that you are on sick leave or whatever.
3 These things always happen in the Agency. You know what I
4 mean. You don't show up to your office.

5 And in our particular position that we were in, we had
6 a lot of outside activity on, say, an 8:00 to 5:00 period, or
7 whatever you want to call it. And if we had to do it, we
8 wouldn't ride that day.

9 So I really can't pinpoint whether or not that morning
10 I rode with Howard. But I would go on the basis that since I
11 saw him there right at lunchtime, and he was with Dorothy, that
12 he was shopping or whatever.

13 "Q. Who is Dorothy?

14 A. His wife.

15 "Q. I see. It was approximately what time that you say you
16 saw him?

17 "A. Usually we fell out of Duke Sebert's around 2:00 in the
18 afternoon, or maybe 1:30, quarter of 2:00, somewhere in there.

19 "Q. So, when you thought you saw him, it was somewhere around
20 2:00?

21 "A. When I did see him, it was around 2:00. Let's pin it
22 down. Let's say two o'clock.

23 "Q. Would there be, in this case, anything unusual, to your
24 knowledge, about his being out shopping, to your knowledge, at
25 2:00 on a working day?

1 "A. No.

2 "Q. You weren't required to keep any sort of regular hours at

3 the CIA?

4 "A. No. Earlier, you asked me what my position was, and I

5 explained to you and probably that is not clear to you. I was

6 a case officer, which means that we are in and out, depending

7 what the activity may be.

8 "Q. Well, yes, sir, excuse me for interrupting. I understood

9 why you were there, because you were out to lunch.--

10 "A. He had the same situation. None of us in that particular

11 activity were sitting down at a desk for eight hours at a

12 typewriter.

13 "Q. But you said, I believe, he was a writer?

14 "A. Yes, he was.

15 "Q. Propaganda or something?

16 "A. Well, at his level, he had people that did the script.

17 All-right. And he did the thinking. So when I say writer, he

18 wasn't sitting there throwing out reams of paragraphs or

19 whatever.

20 "Q. You say your offices were adjacent in the building, within

21 the building, your and Mr. Hunt's offices?

22 "A. We were in the same building, yes, on the same floor.

23 "Q. And your offices were adjacent to one another?

24 "A. Down the hall a couple of doors. There wasn't a very

25 large group, probably about 15 or 20 of us in this particular.

1 location.

2 "Q. And I believe you already testified that you did not pass
3 him in the hall, -or see him on that day, other than the time
4 you saw him on the street?

5 "A. I saw him on the street corner, right.

6 "Q. Can you give me the names of any other individuals who
7 worked within that group who would have been within that
8 group -- I don't mean within the CIA in it's entirety, but
9 within the group you referred to where there were 17 or so
10 people on the same floor -- that we could contact, if neces-
11 sary, who would know anything about Mr. Hunt's whereabouts
12 during that period?

13 "A. Well, his own office. And I believe his deputy at that
14 time was a gal by the name of Betty McDonald. That name came
15 up through Howard's conversation.

16 "Q. Well, I haven't spoken with Mr. Hunt, so I can't say. You
17 just tell me what you remember, if you remember names.

18 "A. Well, she was the one that worked very closely in his
19 office. And I thought maybe she was his deputy, on that level.
20 The name of his secretary, I can't remember who that was.

21 "Q. Was there anybody with you on the sidewalk or the street
22 when you saluted Mr. Hunt?

23 "A. Yes, I think at that time I wrote to Howard, there was a
24 guy, a man by the name of Rucker. I am pretty sure I am
25 correct. And then a man who worked with me, right next to me,

1 more or less in the same activity, John Sucher; S-u-c-h-e-r and
2 R-u-c-k-e-r.

3 "Q. Are you saying those two gentlemen were with you at the
4 time you waved?

5 "A. Yes.

6 "Q. Do you know their whereabouts today?

7 "A. One, I do. Rucker is retired, in Jackson, Mississippi.
8 John Sucher, I don't know. He was somewhere out west some-
9 where. And, of course, both are retired, also. But, Lou, I
10 believe he went back to his hometown, somewhere around Jackson,
11 Mississippi.

12 "Q. All right. You were saying to Mr. Rubin, a few minutes
13 ago, you had volunteered to send this sort of information or
14 this information by way of Mr. Rubin, in to Mr. Hunt?

15 "A. Right. 15 "A. Right.

16 "Q. I didn't understand the reason you gave for doing it that
17 way. You said you didn't want it to go through something? you

18 "A. I said I didn't know how to go about it, and I knew Mr.
19 Rubin was representing Mr. Hunt at that time. He was his
20 attorney, and the most logical -- even in the Agency, we do
21 sometimes come up with some pretty good things.

22 "Q. I thought you said something about Elgin or Eglin. 'I
23 didn't want to go through Eglin.'

24 "A. Well, they would have been the last one that would have
25 had his mailing address, and I didn't want to go through.

1 "Q. What was that?

2 "A. It's an Air Force Base, in Florida. I knew he had been
3 there for a while. And then I noticed that, I believe, at the
4 time in the papers, where I picked it up -- where I picked it
5 up in The Miami Herald, that Mr. Rubin Was Mr. Hunt's legal
6 representative.

7 And when I read this article, I felt that, in good
8 conscience, I should make him aware of the fact that I didn't
9 believe, and I still don't believe, and I know it, he was not
10 in Dallas, Texas.

11 "Q. You say you are a now retired in the CIA. What year did
12 you leave?

13 "A. August of '75.

14 "Q. When was the last time you saw Mr. Hunt?

15 "Q. Last time I saw Howard was at his home, in Miami, in --
16 let me see, this is '80 -- 1978.

17 "Q. This is '81.

18 "A. Two years.

19 "Q. That would be '79, then?

20 "A. 1979. In '79, I think they came down and visited us down
21 in the Keys. And then we were up in Miami. We stopped and had
22 lunch with them.

23 "MR. LEE: I don't have any more questions. Thank
24 you. Thanks for coming."

25 MR. SNYDER: That is the end of that deposition, Your

1 Honor.

2 THE COURT: All right.

3 MR. SNYDER: Would this be an appropriate time to
4 stop?

5 THE COURT: Yes, sir, I --

6 MR. LANE: I wonder if I might say that deposition was
7 taken in 1981. There is another deposition of Kuzmuk, taken
8 last June. I think that should be read, also, to the Jury. If
9 not now, perhaps tomorrow morning. It's the next deposition,
10 given the same issues.

11 MR. SNYDER: It's an entirely different deposition.
12 Maybe Mr. Lane can do it as part of his case.

13 THE COURT: I assume we'll have argument on 106. If
14 it's 106, it ought to be heard now. If it's not, you can raise
15 it on your case in chief. 16 it on your case in chief.

16 MR. LANE: It's 106 argument. 16 It's the same. MR. LANE: I
17 questions, different answers. 17 questions, different

18 THE COURT: I tell you what, let's let the Jury be...
19 excused. We'll take up the argument, and then they won't have
20 to wait around for it.

21 Excuse me, ladies and gentlemen. We'll be in recess
22 until tomorrow morning, at 9:20. I have to sound a criminal
23 docket tomorrow morning at 9:00, and it will take me 15 or 20
24 minutes. It shouldn't run much longer than that.

25 So, tomorrow morning, 9:20, just as before, come up to

1 the Jury Room. Do not remain outside. I noticed today, one of
2 the poor jurors couldn't get inside. We had it locked. We'll
3 have it where you can get in.

4 I again want to stress, very carefully, that please do
5 not discuss the matter amongst yourselves, with anyone.

6 Certainly don't permit anyone to discuss anything
7 about this case; the parties involved, the issues involved,
8 anything. If someone should attempt to discuss it with you, as
9 I previously told you, report it to me immediately.

10 Again, I admonish you not to form or express any
11 opinion about the merits of this case, until we get to the
12 conclusion of all of the testimony, and closing argument of
13 Counsel and the Court's charge with reference to the law.

14 Any other requested instructions from the Plaintiff at
15 this time?

16 MR. SNYDER: No, Your Honor.

17 THE COURT: From the Defendant?

18 MR. LANE: No, thank you.

19 THE COURT: Tomorrow morning, 9:20. Thank you for a
20 hard day. We appreciate good work.

21 (Jury left at 6:00 p.m.)

22 MR. LANE: What time did you say tomorrow?

23 THE COURT: 9:20, unless you are just dying to hear a
24 sounding of a docket at 9:00.

25 MR. LANE: Sounds really exciting, Your Honor.

1 THE COURT: I thought it would turn you on.

2 Counsel, why do you oppose this as a 106?

3 MR. DUNNE: Your Honor will recall that motions were
4 filed in this case long ago, this past summer, May or June,
5 concerning a motion to quash a deposition notice. It was
6 specifically of Mr. Kuzmuk. It was also with Mr. Hunt. There
7 were two motions file contemporaneously.

8 The issue was whether or not Liberty Lobby had a
9 right to take the deposition the second time, when the people
10 had already been deposed prior to the first trial.

11 Your Honor granted Liberty Lobby's request to take the
12 deposition, but Your Honor ordered that they were not to
13 inquire into any of the areas that have already been inquired
14 into. That they could only go into new areas, both as to the
15 Kuzmuk's and Hunt's depositions. 15 Kuzmuk's and Hunt's

16 And it's our position that the documents, and their's on
17 evidence, and testimony that was just read, is a complete set,
18 and none of that testimony was to be gone into at the second
19 deposition, and there is no correlation between the two. It's
20 complete, separate information, which Mr. Lane was attempting
21 to extract.

22 Under 106, under the fairness provisions that they
23 argue they are entitled to, under 106, it's just not that at
24 all. They are seeking to impeach Mr. Kuzmuk with that, and
25 they should do it in their case. 17

1 THE COURT: Counsel?

2 MR. LANE: Your Honor, I don't believe there was a
3 ruling that said we couldn't use the deposition at the trial.
4 First of all, that we took the deposition --

5 THE COURT: I am not concerned. I am just concerned
6 at what point in time should you be allowed to introduce
7 whatever portion --

8 MR. LANE: Wherever anything was objected to, and Mr.
9 Kuzmuk was instructed not to answer, he didn't answer. But I
10 think, under the fairness doctrine, we have a right for the
11 Jury to hear this now. Mr. Kuzmuk gave very, very different
12 answers in the deposition here.

13 I don't feel terribly strong about this, quite
14 frankly. If it's going to interfere with the presentation, we
15 can wait a day or two. I think it would be appropriate to do
16 it tomorrow morning. I don't --

17 THE COURT: I think, under the circumstances, we won't
18 invoke the 106 in this particular instance. That is not to
19 rule that you can't present it at the time, but I see no
20 necessity at this point that it be contemporaneous with the
21 deposition that was first given.

22 Anything else for the evening?

23 MR. LANE: No. Thank you very much. Goodnight.

24 (Adjourned at 6:05 p.m. until January 31, 1985 at 9:20
25 a.m.)

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I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

10-8-85

Date

Nancy Bryant
Official Court Reporter

I N D E X

<u>Witnesses</u>	<u>Direct</u>	<u>Cross</u>	<u>Re-direct</u>
E. Howard Hunt, Jr.	--		121
Edward J. Dunne	139	144	

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF FLORIDA
4 MIAMI DIVISION

5 E. HOWARD HUNT, JR.,

6 Plaintiff,

7 vs.

8 LIBERTY LOBBY, INC.,

9 Defendant.

40-1121
Docket No. 80-1111-Civ
Kehoe

Miami, Florida
January 29, 1985

FILED by D.C.

NOV 8 1985

ROBERT M. ...
CLERK, U.S. DIST. CT
S.D. OF FLA. - MIAMI

VOLUME 2

TRANSCRIPT OF TRIAL
BEFORE THE HONORABLE JAMES W. KEHOE
and a jury

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15 APPEARANCES:

16 For the Plaintiff: WILLIAM SNYDER, ESQ.

17
18 For the Defendant: MARK LANE, ESQ.
19 and
FLEMING LEE, ESQ.

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21
22 Court Reporter: Paul C. Haferling
23 301 North Miami Avenue
24 Miami, Florida 33128
25

PAUL C. HAFERLING, Official Reporter, U. S. District Court

1 (Call to order of the court.)

2 (Jury present.)

3 THE COURT: I think we should inquire of the jury
4 whether they read anything in the paper or watched anything on
5 television.

6 Any objection to that, Counsel?

7 MR. LANE: No.

8 MR. SNYDER: No.

9 THE COURT: Ladies and gentlemen, to my knowledge,
10 there was a matter both on television and in the news media
11 today.

12 Did any of you disobey the Court's order and read
13 this case in the Herald this morning or the news last night or
14 watch anything on television; anybody?

15 If you do, we will have to have a mistrial and try it
16 over.

17 So trust me, do not read the newspaper for a couple
18 of days.

19 You will survive, as well as without television,
20 except your soap operas.

21 Were any of you influenced? None of you.

22 Plaintiff care to make any inquiry?

23 MR. SNYDER: No, your Honor.

24 THE COURT: Defense?

25 MR. LANE: No.

1 THE COURT: Let's have Mr. Hunt, if you will come
2 back to the stand, please.

3 You are still under oath.

4 E. HOWARD HUNT, PLAINTIFF, RESUMED, PREVIOUSLY SWORN.

5 DIRECT EXAMINATION

6 BY MR. SNYDER:

7 Q Mr. Hunt, when we broke yesterday, we were about to get
8 into the Rockefeller and Church Committee, and any dealings
9 you may have had with them.

10 Did there come a time when any member of your family
11 or you were contacted by agents of the Rockefeller Commission
12 investigating the the CIA?

13 A There did come such a time.

14 Q What did they want from you or your family?

15 A They wanted very little of me.

16 I arranged to go up to Washington. I spoke with one
17 of the senior counsel, a gentleman named Robert Olson, in his
18 office.

19 He asked me to provide them with as many photographs
20 as I might have taken in the roughly '62 to 1964 period.

21 That is to say embracing the time period in which
22 President Kennedy was assassinated.

23 I did so. I provided them with about twenty-three
24 photographs that were taken in the desired time frame, and had
25 no further conferences with the Rockefeller Commission.

1 They did speak, I believe with one of our domestic
2 servant, a lady now dead, named Mary Tarney, and may have--

3 MR. LANE: I object to any speculation, hearsay at
4 this point.

5 THE COURT: Sustained. Just answer the question
6 directly.

7 Go ahead.

8 BY MR. SNYDER:

9 Q Were you asked where you were on the day of JFK's killing?

10 A Yes, I was.

11 Q What was your understanding of what they would do with the
12 photographs you have from the sixties?

13 A My understanding was that they were going to make forensic
14 comparison between those photographs and the photographs of
15 the three so-called, and yet unidentified, tramps from the
16 Dealey Plaza who were photographed by the press after
17 President Kennedy was assassinated and then released.

18 Q Did there come a time you were approached by any
19 representative of the Church Committee which met in 1976?

20 A There did.

21 Q What was that contact?

22 A I believe that I was in prison at the time.

23 And spoke with some of their representatives about
24 the still ongoing allegations.

25 Q Did they fly down to prison to see you?

1 A They did.

2 Q After The Spotlight article was published in August of
3 '78, did you have any dealings with the House Select Committee
4 on Assassinations?

5 A I did.

6 I felt in view of The Spotlight article, it was
7 absolutely imperative for me to appear before the House
8 Special Committee on Assassinations.

9 I made strenuous efforts through my then attorney to
10 appear in public.

11 What eventually happened was that they granted me an
12 executive session appearance in November of '78.

13 This is several months after the damage had been done
14 by Spotlight and there had been no retraction and no
15 reputiation by any Government body at that time.

16 So I went up to Washington with counsel and was
17 received by the Deputy Chief Counsel of the House
18 Assassinations Committee, testified for a matter of anywhere
19 between two and four hours, three hours probably.

20 And in due course a copy of the testimony was
21 submitted to me.

22 Q Did you ask them when they had the so-called CIA memo that
23 linked you to being in Dallas in November of '63?

24 A I did, indeed.

25 And this had been a subject of intense interest to

1 me.

2 I had, through my attorney, made demand upon the
3 members of the committee individually and severally to either,
4 in effect, produce the alleged memorandum or shut up.

5 Q I am showing you a document pre-marked Exhibit 24, and ask
6 you if you can tell the jury what it is of.

7 A A letter from my then attorney, Ellis Rubin, dated March
8 6, 1979, addressed to the Honorable G. Robert Blakey, Chief
9 Counsel and Director of Select Committee on Assassinations,
10 U.S. House of Representatives.

11 Q In that letter, does Mr. Rubin make a demand for--

12 MR. LANE: I object. The letter speaks for itself.

13 THE COURT: Any objection to the document being
14 offered?

15 MR. LANE: Yes.

16 THE COURT: Grounds?

17 MR. LANE: Self-serving hearsay statement by a
18 lawyer.

19 It has no relationship to the issues in this case.

20 MR. SNYDER: We offer that to show Mr. Hunt did,
21 indeed, make a demand on the House Committee to turn over
22 the--

23 THE COURT: That's the sole and limited purpose?

24 MR. SNYDER: That's correct.

25 THE COURT: Ladies and gentlemen, this letter is

1 being offered not to prove the truth of the contents of the
2 matter contained within the confines of the letter, but to
3 establish that the letter was made in accordance with
4 counsel's statement and may be received by you solely for that
5 purpose.

6 Everyone understand?

7 No. 1, do you have a doubt in your mind?

8 JUROR NO. 1: I am not sure I understand what you
9 said.

10 THE COURT: The letter will be received. What it
11 contains, you may not consider the truth of the matter
12 contained in the letter.

13 But for the demand that is purported to be made, that
14 is the only purpose that I am permitting it in.

15 Thank you.

16 BY MR. SNYDER:

17 Q Yesterday, Mr. Hunt, I believe you testified that you had
18 made denials of the charge that you were involved in a Kennedy
19 killing to various media publication is, is that correct?

20 A That's correct.

21 Q I am showing you two documents that had been pre-marked as
22 Plaintiff's Exhibit No. 3 and No. 9.

23 Would you look in each one separately and tell us
24 what they are?

25 A Exhibit No. 3 is a page that I took from Time Magazine,

1 June 23, 1975, having to do with--

2 MR. LANE: I object to the contents being testified
3 to.

4 THE COURT: This is one that was objected to
5 yesterday.

6 MR. LANE: Yes.

7 THE COURT: Now, are you now introducing it for a
8 limiting purpose?

9 MR. SNYDER: I have one more that falls in the same
10 category.

11 BY MR. SNYDER:

12 Q Look at Exhibit 9. What is that?

13 A This is a UPI dispatch from Washington D.C, dated
14 1-19-1978, clipped from the Miami Herald by myself.

15 A The caption is the lead--

16 MR. LANE: I object to the contents.

17 THE COURT: Objection sustained.7

18 MR. SNYDER: At this time while Mr. Hunt continues to
19 testify, I would like to publish to the jury these exhibits
20 that all contained newspaper accounts of his damage.

21 MR. LANE: Two of them have not been offered in
22 evidence.

23 I have an objection.

24 THE COURT: Let counsel see them.

25 MR. SNYDER: 2 and 4 were admitted yesterday.

1 THE COURT: I know. The ones that have not been show
2 them.

3 MR. SNYDER: 3 and 9 he has seen this morning.

4 MR. LANE: But they have not be marked in evidence.

5 What I have an objection to is that they can't be
6 shown to the jury.

7 THE COURT: Your objection, please?

8 MR. LANE: Exhibit 9.

9 THE COURT: There obviously would be hearsay,
10 normally.

11 MR. LANE: It is hearsay. And a story about what the
12 FBI is reporting, it is not only hearsay, but it is not the
13 best evidence. The FBI report is the best evidence.

14 THE COURT: You won't need to argue.

15 Are you offering it for a limited purpose?

16 MR. SNYDER: I am.

17 THE COURT: The limited purposes.

18 MR. SNYDER: To show that the damage, Mr. Hunt's
19 damage of this within the public record before this article
20 was published.

21 THE COURT: I am going to overrule the objection and
22 permit these documents to come into evidence.

23 You may not consider the content to prove the truth
24 of the matter asserted therein.

25 It is solely for the purpose to show that at the time

1 and place there was published denials.

2 It goes to whether the defendant had knowledge. That
3 is the sole purpose that you may consider.

4 MR. LANE: Thank you, your Honor.

5 MR. SNYDER: At this time, I would like to take Mr.
6 Hunt through the article line-by-line.

7 And I would like to publish The Spotlight article to
8 the jury so they can follow along as he goes through it.

9 THE COURT: Any objection to be noted?

10 MR. LANE: No objection to that, your Honor.

11 THE COURT: Marshal, give these to the jury, if you
12 will, please.

13 BY MR. SNYDER:

14 Q Mr. Hunt, you are holding in your hand what has been
15 admitted in evidence as Plaintiff's Exhibit No. 1, The
16 Spotlight article of August 14, 1978, which has been cut out
17 from the entire article of that date, the entire issue of the
18 Spotlight from that date.

19 I would like to question you about the first page.

20 The title is "CIA to Nail Hunt for Kennedy Killing."

21 What is your understanding of what that headline
22 means?

23 A It means to me that I am to be prosecuted and certainly
24 sanctioned for having killed Jack Kennedy.

25 MR. LANE: I object to the question, and ask the

1 answer be stricken, your Honor.

2 THE COURT: Overruled.

3 Motion to strike denied.

4 BY MR. SNYDER:

5 Q I would like you to turn to Page 2, Mr. Hunt.

6 Could you please read that headline?

7 A "CIA to 'Admit' Hunt Involvement."

8 Q In the Kennedy slaying?

9 A In the Kennedy slaying.

10 Q What does that mean to you?

11 MR. LANE: I object, your Honor.

12 Each juror could reach their own conclusion. He is
13 not an expert. He didn't write the article.

14 THE COURT: Objection noted, overruled.

15 THE WITNESS: It means to me that the CIA is going to
16 say that Hunt--meaning myself--was involved in the slaying of
17 our President John Kennedy.

18 MR. LANE: May I have a continuing objection to all
19 comments by Mr. Hunt?

20 THE COURT: Yes. You have a continuing objection;
21 same ruling.

22 BY MR. SNYDER:

23 Q Let's go to the text of the article.

24 Would you read the first paragraph, please?

25 A Below the name of the author, Victor Marchetti, you want

1 me to read this aloud?

2 Q Yes.

3 A The text begins:

4 "A few months ago in March, there was a meeting at
5 CIA headquarters in Langley, Virginia, the plush
6 home of Americans super spys overlooking the Potomac
7 River. It was attended by several high-level
8 clandestine officers and some former top officials
9 of the agency."

10 Q Are you aware of any such meeting?

11 A No, sir.

12 Q Read Paragraph 2, please.

13 A (Reading)

14 "The topic of discussion was: What to do about
15 recent revelations associating President Kennedy's
16 assassin, Lee Harvey Oswald, with the spy game
17 played between the United States and the USSR.
18 (Spotlight May 8, 1978)".

19 What is that called?

20 Q Parentheses?

21 A Parentheses, okay.

22 "A decision was made, and a course of action
23 determined. They were calculated to both fascinate
24 and confuse the public by staging a clever, 'limited
25 hangout' when the House Special Committee on

1 Assassinations holds its open hearings beginning
2 later this month."

3 Q Read the next paragraph.

4 A (Reading)

5 "A 'limited hangout' is spy jargon for a favorite and
6 a frequently-used gimmick of the clandestine
7 professionals. When their veil of secrecy is
8 shredded and they can no longer rely on a phony
9 cover story to misinform the public, they resort to
10 admitting--sometimes even volunteering some of the
11 truth while still managing to withhold the key and
12 damaging facts in the case.

13 "The public, however, is usually so intrigued by the
14 new information that it never thinks to pursue the
15 matter further."

16 Q Going back to Paragraph 2, the statement of fact is
17 made that, "A decision was made and a course of action
18 determined."

19 Are you aware of any such decision or any such course
20 of action?

21 A No.

22 Q In your opinion, is that statement true or false?

23 A False.

24 Q Is a "limited hangout" in quotes, is that jargon used by
25 the CIA?

1 A I never heard it during my professional career, no.

2 Q Have you ever heard the term?

3 A I heard the term.

4 It's related to one of John Ehrlichman's often
5 repeated phrases during the Watergate period.

6 Q Are you aware the CIA practices the "limited hangout"?

7 A I am not aware of it no, sir, because it is not a CIA
8 term.

9 Q Would you read the next paragraph, please?

10 A (Reading)

11 "We will probably never find out who masterminded the
12 assassination of JFK or why."

13 Q Is that statement true or false?

14 A As far as I am concerned, it is false because I think we
15 know perfectly well who killed JFK.

16 Q Read the next sentence, please.

17 A (Reading)

18 "There are too many powerful special interests
19 connections with the conspiracy for the truth to
20 come out even now, fifteen years after the murder.
21 But during the next two months"--

22 Q Stop there, please.

23 Are you aware of any special powerful interests
24 connections with the conspiracy, for the truth to come out?

25 A No, sir.

1 Q Is that statement true or false?

2 A False.

3 Q Who did assassinate JFK?

4 A Lee Harvey Oswald.

5 Q Go ahead with the rest of that.

6 A (Reading)

7 --"but during the next two months, according to
8 sensitive sources in the CIA and on HSCA, we are
9 going to learn much more about the crime. The new
10 disclosures will be sensational, but only
11 superficially so.

12 "A few of the lesser villians involved in the
13 conspiracy and its subsequent coverup will be
14 identified for the first time and allowed to twist
15 slowly in the window on live network TV. Most of
16 the others to be fingered are already dead."

17 Q In connection with that sentence, and your name and the
18 headline, did you assume that sentence referred to you?

19 A Yes.

20 Q Does the phrase "twist slowly in the window" have any
21 meaning to you especially?

22 A It does.

23 It comes from the Watergate tapes and is attributable
24 to, I believe, John Ehrlichman, when he was talking about the
25 then attorney, John Mitchell.

1 Q When the author says, "a few of the lesser villians
2 involved in the conspiracy will be identified for the first
3 time," who did you assume that was referring to, sir?

4 A Well, I--

5 MR. LANE: I object, your Honor.

6 THE COURT: Grounds?

7 BY MR. SNYDER:

8 Q What is your understanding when you read the article?

9 A Well, that I was either considered a major or a less
10 severe villian.

11 In any case, they were talking about me.

12 Q Were you involved in any conspiracy?

13 A No.

14 Q Go ahead with the next paragraph:

15 A (Reading)

16 "But, once again, the good folks of middle America
17 will be hoodwinked by the Government and its allies
18 in the establishment news media.

19 "In fact, we are being set up to witness yet another
20 coverup, albeit a sophisticated one, designed by the
21 CIA with the assistance of the FBI and the blessing
22 of the Carter Administration."

23 Q Stop there, please.

24 Do you know of any way that middle America was
25 hoodwinked by the Government on the hearings in the Kennedy

1 assassination and the Martin Luther King assassination?

2 A No.

3 Q Do you know who the allies of the Government are in the
4 establishment news media?

5 A I can't imagine.

6 Q What is the establishment news media, if you know, having
7 been a journalist?

8 A I would assume the New York Times, Washington Post
9 Philadelphia Enquire, those on the eastern seaboard. L.A.
10 Times in the West.

11 Q The sentence that says, "In fact, we are being set up to
12 witness yet another cover, up albeit a sophisticated one
13 designed by the CIA, with the assistance of the FBI, and the
14 blessing of the Carter Administration."

15 What does this mean to you?

16 A It means that according to the author and the publication
17 itself, the American public is going to be deceived as to the
18 facts of the Kennedy slaying by the CIA, with the assistance
19 of the FBI and the Reagan, Carter Administration.

20 Q You know the article talks about another coverup.

21 Do you know of any coverup that was ever designed by
22 the CIA while you were with that agency or after?

23 A No.

24 Q Especially with the assistance of the FBI?

25 A It is unthinkable.

1 Q Why?

2 A Because they customarily maintained an adversarial
3 relationship.

4 Q Are you saying they are quarreling agencies?

5 A Yes.

6 Q Do you know of any coverup designed by the CIA and FBI?

7 A No, sir.

8 Q Do you know of any coverup that was designed with the
9 blessings of the President of the United States, Jimmy Carter?

10 A No.

11 Q Do you consider this to be false?

12 A I do.

13 Q Next paragraph goes into an example of the limited hangout
14 that the committee investigation was manipulated.

15 Do you know of any manipulation of the Church
16 Committee?

17 A No.

18 And I would believe it would be impossible, because
19 Senator Church was riding very high in those days and was
20 granted full powers, incredibly broad powers by the Senate and
21 Congress.

22 Q In fact, was there a specific phrase attributed to Senator
23 Church that reflected his opinion of the CIA?

24 A I think he used the term "a rowing elephant out of
25 control."

1 Q "A rowing elephant out of control"?

2 A Yes.

3 Q He was the one doing the investigation of the CIA?

4 A That is correct.

5 Q Would you read that paragraph, please?

6 A (Reading)

7 "A classic example of a limited hangout is how the
8 CIA handled and manipulated the Church Committee's
9 investigation of two years ago.

10 "The committee learned nothing more about the
11 assassination of foreign leaders, illicit drug
12 programs, or the penetration of the news media than
13 the CIA allowed it to discover.

14 "And this is precisely what the CIA is out to
15 accomplish through HSCA with regard to JFK's
16 murder."

17 Q Mr. Hunt, do you view that as an attack on the CIA, as
18 well as yourself?

19 A I do.

20 Q What was Marchetti's reputation in the Intelligence
21 community?

22 A I think it was a very shabby reputation.

23 MR. LANE: I object.

24 THE COURT: Objection sustained.

25

1 BY MR. SNYDER:

2 Q What is the next thing after the paragraph you just read?

3 A The caption in boldface type, "They'll Hang Hunt."

4 Q What did you take that to mean?

5 A That I will be killed, put through a judicial process and
6 my execution.

7 Q Read the next paragraph.

8 A (Reading)

9 "Chief among those to be exposed by the new
10 investigation will be E. Howard Hunt of Watergate
11 fame.

12 "His luck has run out, and the CIA has decided to
13 sacrifice him to protect its clandestine services.
14 The agency is furious with Hunt for having dragged
15 it publicly into the Nixon mess and for having
16 blackmailed it after he was arrested."

17 Q Stop there, please.

18 Let's look at the first sentence. "Chief among those
19 to be exposed by the new investigation will be E. Howard Hunt
20 of Watergate fame."

21 Are you aware of any attempt to expose you?

22 A No, sir.

23 Q Would you regard that statement as true or false?

24 A False.

25 Q The next sentence says: "His luck has run out, and the

1 CIA decided to sacrifice him to protect its clandestine
2 services."

3 Are you aware of any plan by the CIA to sacrifice you
4 to protect its clandestine services?

5 A No.

6 Q Would you regard that as true or false?

7 A Totally false.

8 Q The statement "your luck has run out," had your luck run
9 out with regard to the JFK assassination?

10 A I did not think so.

11 In fact, after what I had gone through in prison, I
12 felt myself extremely lucky to be alive.

13 Q It says, "The Agency is furious with Hunt for having
14 dragged it publicly into the Nixon mess and for having
15 blackmailed it after he was rested."

16 Let's break that sentence up into some parts.

17 First of all, did you drag the agency into--what did
18 you understand "the Nixon mess" to mean?

19 A Watergate.

20 Q Mr. Hunt, did you ever tell any prosecutorial body, Grand
21 Jury or any one in authority that the CIA was responsible for
22 Watergate?

23 A No.

24 Q In other words, you are saying you did not drag the CIA
25 into Watergate?

1 MR. LANE: I object to the question as leading, your
2 Honor.

3 THE COURT: Objection sustained.

4 THE WITNESS: I did not at any time make reference to
5 my background with the CIA in connection with Watergate.

6 BY MR. SNYDER:

7 Q How about the first part of that sentence, "The agency is
8 furious with you."

9 Are you aware of any fury on the part of the agency
10 towards you?

11 A No.

12 Q As part of this lawsuit, Mr. Hunt, had you solicited the
13 help of the CIA with respect to reviewing their records?

14 A In prior litigation, yes.

15 Q Has that help been supplied?

16 A That help has been supplied, yes.

17 Q What form did that help take?

18 A Principally, the submission of affidavits by senior men in
19 the agency.

20 Q Are those the affidavits that I told the jury about in my
21 opening statement, that would be introduced as evidence in
22 this case?

23 A Why I--

24 MR. LANE: I object to that as leading.

25 I ask you to admonish Mr. Snyder not to lead the

1 witness.

2 THE COURT: Counsel, don't lead your witness so much.

3 BY MR. SNYDER:

4 Q The last part of that sentence, Mr. Hunt, says, "You
5 blackmailed the CIA after you were arrested."

6 Did you ever blackmail the CIA?

7 A No, sir.

8 Q Did you ever ask for anything from the CIA?

9 A No, sir.

10 Q Did you ever ask for any money from the CIA?

11 A No, sir.

12 Q Did you ever threaten to exposed the Fielding break-in or
13 anything of that sort?

14 A No, sir.

15 It had nothing to do with the CIA.

16 Q Let's go on with the next paragraph.

17 Would you read that, please?

18 A (Reading)

19 "Besides, Hunt is vulnerable and an easy target, as
20 they say, in the spy business. His reputation and
21 integrity have been destroyed."

22 Q Stop there, please.

23 Had your integrity been destroyed?

24 A Only by people like Spotlight.

25 At the time of the writing it had not been, no, sir.

1 Q At the time of the writing, in fact, you had been paroled
2 by the U. S. Parole Commission--

3 MR. LANE: I object to it as a leading question.

4 THE COURT: Counsel?

5 MR. SNYDER: I am trying to move along.

6 THE COURT: I don't care about moving along.

7 I will come down on you if you don't stop leading.

8 BY MR. SNYDER:

9 Q Mr. Hunt, as of 1978, what was your status with regard to
10 being in prison or being free, on parole or what?.

11 A I was on parole.

12 Q Had you served some time in prison?

13 A I served a total of thirty-three months in prison.

14 Q Did you make an application for parole?

15 A I did.

16 Q What was the disposition of that application?

17 MR. LANE: This has all been gone into yesterday.

18 THE COURT: Repetitious, sustained.

19 BY MR. SNYDER:

20 Q In your opinion is the sentence, "Reputation and integrity
21 have been destroyed" true or false?

22 A False.

23 Q Would you continue to read?

24 A (Reading)

25 "The death of his wife, Dorothy, in a mysterious

1 plane crash in Chicago still disturbs many people,
2 especially since there were rumors from informed
3 sources that she was about to leave him and perhaps
4 even turn on him."

5 Q How did your wife Dorothy die?

6 A She died in a plane crash at O'Hare Midway Airport in
7 Chicago on December 1972.

8 Q What, if any, legal proceedings were instituted as a
9 result of that plane crash?

10 A I instituted--

11 MR. LANE: Relevancy, I object.

12 THE COURT: Overruled.

13 THE WITNESS: I instituted wrongful death actions
14 against United Airlines, against the Boeing Corporation, and
15 various other defendants.

16 BY MR. SNYDER:

17 Q Why did you do that?

18 A Because of the wrongful death of my wife and circumstances
19 that according to the National Safety Transportation Board was
20 a combination of bad weather and pilot error.

21 Q Did United Airlines ever pay the Hunt family any money?

22 A They did.

23 Q I am showing you a copy of the document that has been
24 marked as Plaintiff's Exhibit 19 and ask you if you can
25 identify it.

1 Can you identify it?

2 A I can identify this, yes.

3 Q What is it?

4 A The court order in the matter of attorney's fees and
5 expenses and distribution of funds that I received following
6 our lawsuit against United Airlines.

7 Q How was--to whom were the proceeds? How much did United
8 Airlines pay the Hunt family?

9 MR. LANE: It speaks for itself..

10 MR. SNYDER: It is kind of lengthy. I am not sure
11 the jury could readily understand it.

12 THE COURT: Counsel, I think the Court let you go
13 into this far enough.

14 You made your point without the necessity of the
15 document. It is surplus.

16 I am not sure it is relevant, what amount of money
17 they received.

17 they received..

18 Your objection to the document will be sustained.
19 Mark it for identification.

20 Next series of questions.

21 MR. SNYDER: This is a self-authenticating document
22 of court order under seal.

23 I think it should be admitted into evidence.

24 THE COURT: I don't think it is relevant. I think it
25 is surplus.

1 I sustained the objection. Mark it for
2 identification.

3 You made your point.

4 BY MR. SNYDER:

5 Q Continue reading the article, Mr. Hunt.

6 Before you do, was your wife about to leave you?

7 A No, sir.

8 Q Was she about to turn on you?

9 A No, sir.

10 Up to the day of her death, we had an extremely warm
11 relationship.

12 We were a well integrated family.

13 Q Was the crash of the plane in any way, quote, mysterious,
14 end quote?

15 A Not to people of normal intelligence and perception.

16 MR. LANE: It calls for more hearsay. He has no
17 personal knowledge.

18 THE COURT: Objection sustained.

19 BY MR. SNYDER:

20 Q Does the allegation, Mr. Hunt, that the crash, quote,
21 still disturbs many people, end quote, are you aware of any
22 people that this plane crash disturbed?

23 A I believe--I only recall the name of one fellow in
24 Chicago, who sort of made this his life's work.

25 He was a rather abject and pitiful cripple named

1 Sidney Skolnik, who made himself *objectionable to my late
2 wife's cousin in Chicago, pursuing them and making all sorts
3 of wild allegations.

4 Q Do you regard that paragraph as true or false?

5 A False.

6 Q Would you read the next paragraph?

7 A (Reading)

8 "In addition, it is well known that Hunt hated JFK
9 and blamed him for the Bay of Pigs disaster."

10 Q Did you hate JFK?

11 A No, sir.

12 Q Would you continue the article?

13 A (Reading.

14 "And now in recent months, his alibi for his
15 whereabouts on that day of the shooting has come
16 unstuck."

17 Q Backing up to the preceding sentence, did you blame JFK to
18 for the Bay of Pigs disaster?

19 A No.

20 I principally blamed his advisors Adlai Stevenson and
21 Dean Rusk, among others, for they were senior men.

22 This was a young president who apparently did not
23 realize what was involved.

24 And the last moment, they persuaded him to withhold
25 promised air cover.

1 Q With respect to the sentence that says, "Your alibi has
2 come unstuck," has your alibi for the whereabouts on the date
3 of the shooting come unstuck?

4 A No.

5 Q Where were you on the day of the shooting?

6 A I was at the time of the shooting, I was in Washington,
7 D.C., on H Street between 8th and 9th seated in our car with
8 my two and a half month old son David, while my wife was
9 making purchases at Chinese grocery stores on both sides of
10 that street.

11 Q So, is that sentence true or false?

12 A It is false.

13 Q Would you go on with the article?

14 A I am sorry?

15 Q You would go on with the article?

16 A (Reading)

17 "In the public hearings, the CIA will, quote, 'admit'
18 that Hunt was involved in the conspiracy to kill
19 Kennedy.

20 "The CIA may go so far as to, quote, 'admit' there
21 were three gunmen shooting at Kennedy.

22 "The FBI, while publicly embracing the Warren
23 Commission's, quote, one man acting alone, close
24 quote, conclusion has always privately known there
25 were three gunmen.

1 "The conspiracy involved many more people than the
2 ones who actually fired at Kennedy, both agencies
3 may now admit."

4 Q Going back to the first sentence, are you aware of any
5 decision by the CIA to admit that you were involved in the
6 conspiracy to kill Kennedy?

7 A No, and it never happened.

8 Q Is that sentence true or false?

9 A False.

10 Q The next sentence says, "The CIA may admit there were
11 three gunmen."

12 Are you aware of any decision by the agency to admit
13 there were three gunmen?

14 A No, sir.

15 Q The next sentence says, "The FBI has always privately
16 known there were three gunmen."

17 Is that sentence true or false?

Is that sen.

18 A False.

19 Q The next sentence says, "The conspiracy may involve many
20 more people both agencies may now admit."

21 Did the conspiracy involve many more people and, to
22 your knowledge, are the agents prepared to now admit that?

23 A No, sir, nor were they then.

24 Q What is the next thing that comes after that paragraph?

25 A The next caption is in boldface type, "Posing as Bum."

1 Q What, in your mind, do those three words mean?

2 A Howard Hunt was one of the three bums photographed at
3 Dealey Plaza the day shortly after the killing of President
4 Kennedy.

5 Q Is that true or false?

6 A False.

7 Q Would you continue with the article?

8 A (Reading)

9 "A. J. Weberman and Michael Canfield authors of 'Coups
10 D'Etat in America,' published pictures of three
11 apparent bums who were arrested at Dealey Plaza just
12 after President Kennedy's murder, but who were
13 strangely released without any record of the arrest
14 having been made by the Dallas Police.

15 "One of the tramps the authors identified as Hunt.
16 Another was Frank Sturgis, a long-time agent of
17 Hunt's."

18 Q Stop there.

19 Is it correct that Weberman and Canfield identified
20 you as one of the tramps?

21 A That is true.

22 Q Were you?

23 A No.

24 Q Was Frank Sturgis?

25 A No.

1 Q Is that sentence true or false?

2 A False.

3 Q The statement that Sturgis was a long-time agent of
4 Hunt's, is that true or false?

5 A Totally untrue.

6 Q Did Sturgis ever work for the CIA?

7 A No.

8 Q Did he ever work for you?

9 A No, sir, except in the Watergate period.

10 Q When did you first meet him?

11 A I met him either in December 1971 or early January 1972.

12 Q Would you continue with the article?

13 A (Reading)

14 "Hunt immediately sued for millions of dollars in
15 damages, claiming he could prove that he had been in
16 Washington, D.C., that day on duty at CIA.

17 "It turned out, however, that this was not true. So,
18 he said that he had be on leave and doing household
19 errands, including a shopping trip to a grocery
20 store in Chinatown."

21 Q Stop there.

22 There is the sentence that says, "It turned out,
23 however, that this was not true."

24 Is that a statement of fact or a statement of
25 opinion?

1 A It is a statement. It is a falsehood is what it is.

2 Q Has your testimony as to your whereabouts ever been
3 different than what you just testified to before?

4 Is that where you were, shopping in a Chinese grocery
5 store with your wife?

6 A Never.

7 It has been consistent because it is the truth.

8 Q Is that last sentence--last two sentences true or false?

9 A I never said that I was on leave and doing household
10 errands.

11 I said--I told the story from the start as it was.

12 Q Would you go on with the next paragraph?

13 A (Reading)

14 "Weberman and Canfield investigated the new alibi and
15 found that the grocery store where Hunt claimed to
16 be shopping never existed.

17 "At this point, Hunt offered to drop his suit for a
18 token payment of one dollar.

19 "But the authors were determined to vindicate
20 themselves, and they continued to attack Hunt's
21 alibi ultimately completely shattering it."

22 Q Is the statement that, "They continued to attack Hunt's
23 alibi ultimately completely shattering it," a statement of
24 opinion or a statement of fact?

25 A It is a falsehood.

1 Q What does it mean?

2 A It means that Weberman and Canfield, who by then were
3 defendants in a libel action of mine, had conducted
4 investigations that proved, to their satisfaction, that I was
5 not where I said I was on the date Jack Kennedy was killed.

6 Q Is that sentence true or false?

7 A False.

8 Q Did you ever offer to drop your suit for a token payment
9 of one dollar?

10 A No.

11 Q Would you go ahead with the article, please?

12 A (Reading)

13 "Now, the CIA moved to finger Hunt and tie him to the
14 JFK assassination."

15 Q Did the CIA ever move to finger you?

16 A No.

17 Q Would you go ahead with the article? Would you go ahead

18 A (Reading)

19 "HSCA unexpectedly received an internal CIA
20 memorandum a few weeks ago that the agency just
21 happened to stumble across in its old files. It was
22 dated 1966 and said in essence: 'Some day we will
23 have to explain Hunt's presence in Dallas, on
24 November 22, 1963, the day President Kennedy was
25 killed. Hunt is going to be hard-put to explain

1 this memo and other things before the TV cameras at
2 the HSCA hearings."

3 Q To your knowledge, did the HSCA receive an internal CIA
4 memo?

5 A I have no knowledge of that.

6 Q Have you ever seen such a memo?

7 A No, sir.

8 Q Did you ever ask anyone to see the memo?

9 A I asked the House Special Committee on Assassinations on
10 numerous occasions either to produce such a memorandum or
11 issue a public statement saying it did not exist.

12 Q Is that statement true or false?

13 MR. LANE: What statement is that?

14 BY MR. SNYDER:

15 Q Let me back up.

16 The statement that "the agency just happened to
17 stumble across this memo in its files."

18 Did you ever make any attempt to check out what was
19 in the agent's files?

20 A Yes, I did.

21 Q How did you do that?

22 A By means of request to the agency to examine its files and
23 reveal whether or not such a memorandum ever existed.

24 Q Did they do that?

25 A They did that.

1 Q What was there conclusion?

2 A Their conclusion was--

3 MR. LANE: Objection. It calls for hearsay. The
4 document speaks for itself.

5 I would like to read it.

6 I have no objection to the document.

7 THE COURT: We will receive it Plaintiff's Exhibit
8 No.--

9 MR. SNYDER: 16.

10 (Plaintiff's Exhibit No. 16 was received in
11 evidence.)

12 BY MR. SNYDER:

13 Q Would you continue with the article, please?

14 A (Reading)

15 "Hunt's reputation as a strident, fanatical
16 anti-communist will count against him. So will his
17 long and close relationship with the anti-Castro
18 Cubans, as well as his penchant for clandestine
19 dirty tricks and his various capers while one of
20 Nixon's plumbers. E. Howard Hunt will be implicated
21 in the conspiracy, and he will not dare speak out,
22 the CIA will see to that."

23 Q The first sentence of that.

24 Do you consider yourself a strident fanatic anti-
25 communist?

1 A No.

2 Q The allegation that you will not dare to speak out about
3 the JFK murder, is that true or false?

4 A It is false, totally false.

5 Q The statement that the CIA will see to it that you will
6 not speak out, is that true or false?

7 A False.

8 MR. SNYDER: May I have a moment, your Honor?

9 BY MR. SNYDER:

10 Q Mr. Hunt, the second sentence talks about your long and
11 close relationship with the anti-Castro Cubans.

12 What is that?

13 Is that essentially the Bay of Pigs? I don't mean to
14 lead you.

15 A I assume it refers to the--

16 MR. LANE: Excuse me. He did lead him whether he
17 meant to or not, and he should not.

18 THE COURT: Objection sustained.

19 Rephrase your question, Counsel.

20 BY MR. SNYDER:

21 Q Aside from having assisted in the Cuban project, when you
22 were with the CIA and recruiting Cubans for the Fielding black
23 bag job and Watergate entry, do you have a long and close
24 relationship with anti-Castro Cubans?

25 A Very selectively, yes, with the family of the late Doctor

8

1 Manuel Artima.

2 Q How about the rest of that sentence?

3 A (Reading)

4 "As well as my penchant for clandestine dirty tricks
5 and his various capers while one of Nixon plumbers
6 E. Howard Hunt will be implicated in the conspiracy,
7 and he will not dare to speak out, the CIA will see
8 to that."

9 Q What dirty tricks or what do you understand them to mean?

10 A Those, that I was in prison for that, I pleaded guilty to,
11 the Fielding affair, the Watergate entry operation.

12 Q Mr. Hunt, the article then goes on to talk about other
13 people, Ms. Lorenz, Mr. Hemming, Mr. Sturgis.

14 I would like you to finally look at the last page of
15 the article.

16 And what is the caption of the last page?

17 A The caption is very large type "HUNT" and three dots
18 following my name.

19 Q What did you understand by that?

20 MR. LANE: I object to that question. I don't know
21 if anyone can answer.

22 MR. SNYDER: I think this has a meaning in context.

23 THE COURT: Overruled.

24 THE WITNESS: Clearly, to me, this is the summation
25 of the entire article. The article was about Hunt, E. Howard

1 Hunt, myself.

2 BY MR. SNYDER:

3 Q Would you look at the sub-heading or the subject headline
4 later on in that page that says, "Blame Past Presidents," and
5 read the paragraph following that?

6 A (Reading)

7 "As for covering up the dead, that will be blamed on
8 past Presidents, either dead or disgraced.

9 "Thus, further he will emerge as a truth-seeker, and
10 the CIA and the FBI will have neatly covered their
11 institutional behinds."

12 Q Were you aware of any decision to blame the JFK
13 assassination on past Presidents?

14 A No, sir. .

15 Q Would you go on with the article, please?

16 A (Reading)

17 "The timing of the hearings is another clue of what
18 to expect and why.

19 "The committee has scheduled its open sessions on
20 network TV to begin after Congress adjourns for the
21 election campaigns.

22 "First order of business will be the Martin Luther
23 King Jr. hearings with James Earl Ray and his family
24 as the star witnesses.

25 "Then there will be a short break and the JFK

1 hearings will begin.

2 "The committee plans to conclude its work by early
3 October, just a month before the elections, perfect
4 timing to cash in on the publicity the hearings are
5 certain to create. And perfect timing for the
6 Carterites to get the American public to forget
7 about inflation, taxes, foreign affairs, and other
8 White House blunders, and elect a Congress more
9 indebted response to the presidency.

10 Q Mr. Hunt, what, if any, action did you take after you read
11 The Spotlight article?

12 A I consulted an attorney, and in due course filed an action
13 for libel.

14 Q Did there come a time you asked for a retraction of the
15 article?

16 A There did.

17 That was in the initial correspondence to The
18 Spotlight.

19 Q Was there a--was a retraction ever made?

20 A No.

21 Q What was Liberty Lobby's response to your request for a
22 retraction?

23 MR. LANE: Mr. Snyder went over it. It speaks for
24 itself.

25 THE COURT: Save your time. Read it.

1 Any objection to that correspondence?

2 MR. LANE: No objection to 6 and 7, and I have no
3 objection to 5, in essence, except it has underlinings
4 throughout.

5 THE COURT: We will allow you to publish it by
6 reading it, but don't give it to the jury.

7 As far as any underlinings, we will receive it.

8 What are the numbers?

9 MR. SNYDER: 5, 6 and 7.

10 (Plaintiff's Exhibit Nos. 5, 6, and 7 were
11 received in evidence.)

12 THE COURT: You may publish them by reading them, if
13 you care to.

14 MR. SNYDER: This is Plaintiff's Exhibit No. 5, a
15 letter from Ellis Rubin Law Offices, P.A., dated August 22,
16 1978.

17 It is addressed to the editor and publisher of The
18 Spotlight Magazine, 300 Independence Avenue, Southeast,
19 Washington, D.C., 20003.

20 "Dear Sir:

21 "This office is legal counsel for E. Howard Hunt, and
22 pursuant to Chapter 770 Florida Statutes, you are
23 advised as follows:

24 "In the August 14, 1978, issue of the weekly
25 newspaper, The Spotlight, Volume IV, No. 33, you

1 have caused to be printed, published, circulated and
2 distributed in the Miami, Dade County, Florida,
3 area, and others areas of the United States, an
4 article beginning on Page 4, headlined: 'CIA to
5 Admit Hunt Involvement in Kennedy Slaying.'

6 "Also, the first headline on the front page of the
7 issue says: 'CIA To Nail Hunt for Kennedy Killing.'

8 "These two headlines are false and defamatory, untrue
9 and libelous, and subject my client to the hatred of
10 the community and to any reader of said issue of
11 your newspaper.

12 "Mr. E. Howard Hunt had nothing whatsoever to do and
13 was not involved in any way with the Kennedy killing
14 or slaying.

15 "In addition, the Central Intelligence Agency has
16 not, will not, and cannot admit to Mr. Hunt's
17 involvement, because there was none. involvement

18 "The article referred to above is authored by one
19 Victor Marchetti.

20 "The article itself contains several false,
21 defamatory, untrue, libelous and scurrilous
22 statements, which have been printed and circulated
23 with your knowledge and consent and in the scope of
24 his employment by your newspaper.

25 "On Page 4 appears the following allegations:

1 "Chief among those to be exposed by the new
2 investigation will be E. Howard Hunt of Watergate
3 fame. His luck has run out, and the CIA has decided
4 to sacrifice him to protect its clandestine
5 services.

6 "The agency is furious with Hunt for having dragged
7 it publicly into the Nixon mess and for having
8 blackmailed it after he was arrested.

9 "Besides, Hunt is vulnerable and an easy target, as
10 they say in the spy business. His reputation and
11 integrity have been destroyed.

12 "The death of his wife, Dorothy, in a mysterious
13 plane crash in Chicago still disturbs many people,
14 especially since there were rumors from informed
15 sources that she was about to leave him and perhaps
16 even turn on him.

17 "In addition, it is well known that Hunt hated JFK
18 and blamed him for the Bay of Pigs disaster.

19 "And now in recent months, his alibi for his
20 whereabouts on the day of the shooting has come
21 unstuck.

22 "In the public hearings, the CIA will 'admit' that
23 Hunt was involved in the conspiracy to kill Kennedy.
24 The CIA may go so far as to 'admit' that there were
25 three gunmen shooting at Kennedy.

1 "The FBI, while publicly embracing the Warren
2 Commission's 'one man acting alone' conclusion, has
3 always privately known there were three gunmen.

4 "The conspiracy involved many more people than the
5 ones who actually fired at Kennedy, both agencies
6 may now admit.

7 "A. J. Weberman and Michael Canfield, authors of
8 'Coup D'Etat in America,' published pictures of
9 three apparent bums who were strangely arrested at
10 Dealy Plaza just after President Kennedy's murder,
11 but who were strangely released without any record
12 of the arrest having been made by the Dallas police.
13 One of the tramps the author has identified as Hunt.
14 Another was Frank Sturgis, a long-time agent of
15 Hunt's.

16 "Hunt immediately sued for millions of dollars in
17 damages claiming he could prove that he had been in
18 Washington, D.C., that day on duty at CIA.

19 "It turned out, however, that this was not true. He
20 said he had been on leave and doing household
21 errands, including a shopping trip to a grocery
22 store in Chinatown.

23 "Weberman and Canfield investigated the new alibi and
24 found that the grocery store where Hunt claimed to
25 be shopping never existed.

1 "At this point, Hunt offered to drop his suit for a
2 token payment of one dollar.

3 "But the authors were determined to vindicate
4 themselves, and they continued to attack Hunt's
5 alibi, ultimately completely shattering it.

6 "Now, the CIA moved to finger Hunt and tie him to the
7 JFK assassination.

8 "HSCA unexpectedly received an internal CIA
9 memorandum a few weeks ago that the agency just-
10 happened to have stumbled across in its old files.
11 It was dated 1966 and said in essence, 'Some day we
12 will have to explain Hunt's presence in Dallas on
13 November 22, '63, the date President Kennedy was
14 killed. Hunt will be hard-put to explain this memo,
15 and other things, before the TV cameras at the HSCA
16 hearings.'

17 "Hunt's reputation as a strident, fanatical
18 anti-communist will count against him. So will his
19 long and close relationship with the anti-Castro
20 Cubans, as well as his penchant for clandestine
21 dirty tricks and various capers while one of Nixon's
22 plumbers. E. Howard Hunt will be implicated in the
23 conspiracy, and he will not dare to speak out, the
24 CIA will see to that."

25 Then the article goes on to say:

1 "The foregoing allegations and headlines were
2 authored, printed, published and circulated in bad
3 faith; the falsities contained therein were not due
4 to a honest mistake, of the facts, nor were there
5 reasonable grounds for believing that the statements
6 in said article were true.

7 "It is, therefore, demanded that within ten days
8 after receipt of this notice, a full and fair
9 correction, apology and retraction be published in a
10 corresponding issue of your newspaper in a
11 conspicuous place and type as was the original
12 article.

13 "Please govern yourself accordingly.

14 "Very truly yours, Ellis S. Rubin."

15 That is the end of Exhibit 5.

16 This is Exhibit 6. It is a letter from Fleming Lee,
17 general counsel of Liberty Lobby, addressed to Mr. Ellis S. Rubin.
18 Rubin.

19 MR. LANE: 6 does not have any marks.

20 We have no objection to that being shown to the jury,
21 6 and 7.

22 BY MR. SNYDER:

23 Q What, if any, damages did you suffer as a result of the
24 publication of The Spotlight article?

25 A Well, in the first place accusation of murder, libelous is

1 one of the most horrible things you can imagine.

2 It is not as though you were just accused of
3 murdering anybody, which is bad enough, but to be accused of
4 the calculated murder of a beloved president of the United
5 States is a heinous charge.

6 When this charge was made--renewed afull by Spotlight
7 in 1978, I begun to put my life together again, and this
8 exposed me to the hatred and scorn of the community.

9 I found my earnings diminishing.

10 I believed the article was responsible for a delay in
11 my parole, or a delay in my receiving my civil rights again.

12 There were problems within my own family.

13 Resuscitation of these old charges, which I thought
14 had been laid to rest by my suit against Weberman and there
15 had been, ever since the Weberman book was published and I had
16 filed suit, there had been accusations of these wild charges.
17 There were problems.

18 I was then fairly-newly married, and my wife began to
19 wonder if something was a lie. Repeated this often, if there
20 might not be some sort of a tracery of truth to it.

21 My children had been exposed to these rumors before.
22 They were aware of the Weberman litigation.

23 They thought that was the end of that.

24 And now, here again, these matters are being brought
25 to the fore in a national publication.

1 So there were internal family strains as a result of
2 this.

3 Again, as I mentioned, I believe the publication of
4 this article made it imperative for me to attempt to get
5 clearance by the House Special Committee on Assassinations--

6 MR. LANE: I object to this.

7 The question is what damages did he suffer. He is on
8 another question.

9 THE COURT: Objection sustained.

10 Answer the question directly, please.

11 THE WITNESS: Damages. If I may so say, they are not
12 monetary alone.

13 They also deal with physic problems that I
14 encountered.

15 The humiliation of being forced to testify in an
16 attempt to clear my name before the House Special Committee on
17 Assassinations. 17 Assassinations.

18 That was a grueling experience, and yet Spotlight
19 refused to make a retraction.

20 MR. LANE: Apparently, Mr. Hunt differs with the
21 Court's ruling.

22 But I think the Court's ruling should be respected.
23 The question is about damages.

24 There are other questions, Mr. Snyder is qualified--

25 MR. SNYDER: I think he is obeying the spirit--

1 THE COURT: I think so. Try your best to stay on the
2 question.

3 Do you want him to continue his answer?

4 BY MR. SNYDER:

5 Q Are you finished with your answer?

6 A I am a little confused. If I may address you or the
7 Court.

8 THE COURT: The question is, "What are your damages?"
9 That is the question.

10 BY MR. SNYDER:

11 Q You testified that you had some financial damages, as well
12 as physic damages.

13 Could you tell us what your earnings were in 1978,
14 and then in the year or two after that?

15 A May I refer to notes?

16 Q Yes.

17 THE COURT: Yes, sir.

18 THE WITNESS: In 1977, the year prior to the
19 publication of The Spotlight article, my income was \$78,600.

20 That decreased in the year of the publication of The
21 Spotlight article 1978, \$48,000, a fifty-seven percent
22 decrease.

23 In 1979 my earnings were \$21,000. 1980, \$17,583.
24 1981, a little under \$7,000. 1982, a little more than \$6,000.
25 1983, \$7,753. 1984, \$5,000.

1 So that in 1984, six years after the publication of
2 The Spotlight article, my earnings were approximately six
3 percent of what they had been the year before the publication
4 of The Spotlight article.

5 There is also, in terms of monetary damages, and this
6 is very difficult to assess, lost lectures, books that were
7 not published that I had written.

8 For example, before the publication of the article
9 and in 1977, I only had one book ever rejected. That was
10 rejected in 1977. It was my prison diary.

11 Subsequent to that, in 1982, I had two rejections.
12 In 1983, I had two rejections.

13 As for lectures, 1977, I had fifteen lectures. In
14 1978, none. 1979 none, two cancellations. 1980, none. 1981,
15 I had one lecture, two were cancelled. In 1982, one lecture.
16 1983, three lectures. 1984, one lecture.

17 Q Mr. Hunt you were writing books. 17 Q Mr. Hunt you were

18 I think your last testimony was in 1946 that you had
19 won this scholarship and you had written books.

20 What was your output, if any, of books over the
21 years?

22 A By 1980, I had authored, I believe, a total of fifty-four
23 books, of which fifty-two were fiction and two were non-
24 fiction.

25 Q How long does it take you to write a book?

1 A I would say--

2 MR. LANE: I object, irrelevant.

3 THE COURT: Objection sustained.

4 BY MR. SNYDER:

5 Q When you say "the book was rejected," what do you mean?

6 A That means that I had written a book, submitted it via a
7 literary agent, and he had been unable to find a publisher to
8 take it.

9 MR. SNYDER: I have no further questions.

10 THE COURT: Cross examination.

11 CROSS EXAMINATION

12 BY MR. LANE:

13 Q Mr. Hunt, let's begin with some of the things you just
14 testified to.

15 Who was your literary agent in 1977?

16 A '77, up until a certain date, I believe, it was the summer
17 of 1977, I had a literary agent named Donald McCampbell.

18 Q After that, who was your literary agent?

19 A Scott Meredith Literary Agency.

20 Q Any special person at Scott Meredith?

21 Scott Meredith is an agency with a number of agents
22 there, is that correct?

23 A That's correct, literary agents.

24 Q Was there an one person who handled your entire account?

25 A Eventually there came to be one such person.

1 Q What is his name?

2 A Ted Chichak.

3 Q Scott Meredith represent you beginning in 1977, until
4 when?

5 A I am trying to recall the length of the contract.

6 I would say about three years.

7 Q You know that at the time Chichak testified in this case,
8 do you not?

9 A I understand he has.

10 Q You know your attorney was present when he testified?

11 A Yes, sir.

12 Q Have you read the deposition of the transcript of his
13 testimony?

14 A No.

15 Q You never have seen it?

16 A No.

17 THE COURT: Don't discuss anything amongst yourselves.
18 address the Court.

19 I don't want you discussing anything between
20 yourselves.

21 MR. LANE: I thought somebody said something. I was
22 in error.

23 BY MR. LANE:

24 Q If I told you Mr. Chichak testified that he represented
25 you exclusively between 1977 and 1983, would that refresh your

1 recollection as to how long Mr. Chichak and Scott Meredith
2 agency--

3 A I thought it was a shorter period of time. Obviously he
4 had records. I don't.

5 Q Do you accept his statement?

6 A I am willing to accept it, yes.

7 Q Was Mr. Chichak in the Scott Meredith agency during that
8 period of time your exclusive agents?

9 A Yes, he was.

10 Q Is it true that Mr. Chichak did try to sell a book for you
11 during 1977, before The Spotlight article appeared?

12 A Yes. I believe I so testified.

13 Q What is the name of that book?

14 A Well, it was my prison memoir. It was called "Time In."

15 Q Did Mr. Chichak attempt to sell that book to every leading
16 publisher in the United States during August of 1977?

17 A I don't know that it was restricted.

18 You are talking of leading publishers in the United
19 States?

20 I don't want to be argumentative, but that subsumes a
21 great many months of correspondence and efforts.

22 But if your question--let me respond this way: I
23 understand he made every consistent professional effort to
24 dispose of that manuscript to satisfactory publishers over a
25 period of time and was unsuccessful.

1 Q That was before the article Spotlight published?

2 A That is correct.

3 Q Did you submit a book to Mr. Chichak during the first half
4 of 1978?

5 A May I refer to my notes?

6 Q Of course.

7 A I may have. My notes don't reflect I did.

8 I had two manuscripts in '82, and two manuscripts in
9 '83.

10 Q Did you write a manuscript for a book entitled "Meanwhile
11 at the White House"?

12 A I wrote a partial manuscript of a book.

13 So at this time, I would have withdrawn from
14 offering.

15 And the book was completed and offered under a
16 different title in 1983 as "Oval Office."

17 Q Did you submit to Mr. Chichak as your literary agent a submit
18 manuscript entitled "Meanwhile at the White House"?

19 A A partial manuscript.

20 It was an outline of a couple of chapters.

21 Q Did Mr. Chichak attempt to sell that manuscript during
22 1978?

23 A He attempted to sell the story.

24 I had the outline, and attached sample chapters, yes.

25 Q Was that during the first six months of 1978?

1 A I don't know. I cannot answer that.

2 Q I am going to read to you from Page 6 of Mr. Chichak's
3 testimony:

4 "During the first six months of 1978, did you try to
5 sell the book for Mr. Hunt?

6 "A Yes.

7 "Q A book called 'Meanwhile at the White House,'
8 and I am looking at the publisher's letters with
9 respect to that.

10 "Was that during the first part of 1978?

11 "A Yes.

12 "Q Did you submit that widely also, to the
13 publishing industry?

14 "A Oh, yes.

15 "Q Approximately how many publishers, the same as
16 you usually do when you have a priority of that
17 importance?

18 "The numbers usually come in around twenty
19 publishers, maybe even twenty-five."

20 Does that refresh your recollection as to what took
21 place in the first months of 1978?

22 A It does not refresh my recollection, Counselor.

23 But I will certainly accept Mr. Chichak's testimony.

24 Q Did any publishers accept that book during the first six
25 months of 1978?

1 A No, sir.

2 Q Did you submit a book to Mr. Chichak after The Spotlight
3 article was published?

4 A I submitted at least four.

5 Q Did you submit one to him in 1979, months after The
6 Spotlight article was published?

7 A I may well have.

8 Q This is Mr. Chichak's testimony, Page 7.

9 "When was the first time that you were able to sell
10 to a publisher, a book on behalf of Mr. Hunt?

11 "A We sold 'Hargrave Deception' in 1979 to Stein
12 and Day."

13 Does that refresh your recollection as to whether or
14 not that book was sold just after the publication of The
15 Spotlight article?

16 A If that is what Mr. Chichak testified to, I would
17 certainly accept it.

18 Q Did Mr. Chichak sell additional books for you after The
19 Spotlight article was published?

20 A He sold one subsequent book for me through the only
21 conservative publishing house in the United States, Stein and
22 Day.

23 Q Was that in 1980?

24 A Or '81.

25 Q I will read from Mr. Chichak's testimony:

1 "We sold Hargrave Deception in 1979 to Stein and Day.
2 And the last book we sold the 'Gaza Intercept'
3 to Stein and Day in 1980, published in 1981."

4 Does that refresh your recollection as to when that
5 book was sold?

6 A I certainly accept the statement by Mr. Chichak.

7 Q In looking back over this statement by your literary
8 agent.

9 Is it not true then that two manuscripts of books
10 which they tried to sell for you before The Spotlight article
11 was published, found no publisher?

12 But the two that they tried to sell for you just
13 after The Spotlight article was published found publishers?

14 A Found publishers eventually, one publisher. The only
15 conservative house in the United States.

16 Q Can you explain why the last two books that you wrote
17 prior to the time were the manuscripts you submitted, were
18 prior to the time that The Spotlight article was published
19 were rejected by publishers?

20 A I was told by Mr. Chichak that my prison memoirs were much
21 too heavy, that the American public was not interested in
22 prison experiences.

23 Although some of the books of that had done well in
24 the United States and the partial manuscript that I had
25 submitted "Meanwhile at the White House" did not strike a

1 responsive cord among the publishers.

2 Q Do you know if your literary agent was ever told by anyone
3 in the publishing industry, that if anyone in the publishing
4 industry ever declined to publish or consider a book or
5 manuscript by you because of the allegations that you had been
6 involved in the assassination of President Kennedy?

7 A If you are referring to Ted Chichak, no.

8 Q He never told you that?

9 A No.

10 Q Did you ask him that?

11 A No.

12 Q You did not ask him that question?

13 A No.

14 Because that had been answered by a prior literary
15 agent to my satisfaction.

16 Q Are you now, in the face of this record, stating that part
17 of the financial damages that you suffered from The Spotlight
18 article published in August of 1978, was the fact that your
19 books could not be published because of that article?

20 A Yes.

21 Q Despite the fact the two books you submitted prior to the
22 article were not published; and the two books you submitted
23 subsequent to the article were published?

24 A Quite right, Counselor.

25 Because I had an unstopped record of fifty-four books

1 received in and published without a single rejection up until
2 that time.

3 That is a pretty good track record.

4 Q How do you single out from all the stories published about
5 you regarding the assassination of President Kennedy, and all
6 of the other things that the press has alleged that you have
7 done?

8 How do you single out this one Spotlight article as
9 the cause for any of the financial damage relationship to the
10 book publishing?

11 A How do I do so?

12 Very simply. Because of the coincidence of date.

13 Q Coincidence of date?

14 A Coincidence of date, that's right.

15 After 1975, when the Weberman and Canfield book was
16 written and I sued, I believe in 1976, from that time on,
17 until the time of the issuance of The Spotlight article, there
18 had been nothing, naturally, that I am aware of, that in any
19 public forum that had associated me with the Kennedy killing
20 until this damn article.

21 Q Don't you understand my question?

22 A I understand your question. The answer is "yes," I do
23 associate it.

24 Q Do you blame The Spotlight article published in August of
25 1978, for the refusal of the publishers in 1977, and the first

1 six months of '78 to publish your books?

2 A No.

3 And I have not said so.

4 Q Did you write a letter to Mr. Chichak in 1981?

5 A End of, yes.

6 Q Yes?

7 A I wrote many letters to Mr. Chichak during the time he was
8 representing me.

9 MR. LANE: Could we have this marked for
10 identification?

11 BY MR. LANE:

12 Q Let me show you Defendant's Exhibit A for identification
13 and ask you if you can tell us what that is.

14 A Yes.

15 I authored this letter.

16 Q Is that your signature?

17 A It is.

18 Q Was that letter written on October 15, 1981?

19 Would you like to have it in front of you while I ask
20 you?

21 Was this letter written in October of 1981?

22 A It was.

23 Q Was that after The Spotlight article had been published?

24 A It was.

25 Q After you filed the lawsuit based upon The Spotlight

1 article against the defendants in this case?

2 A Yes.

3 Q In that letter to your literary agent, did you say in
4 perhaps a varying measure:

5 "We agree that the Watergate episode has been a heavy
6 handicap; I can't detach myself from it, so I
7 surrender."

8 Did you write that?

9 A I did.

10 Q Was that the reason you gave to your literary agent for
11 your belief at that time that your books would no longer be
12 published?

13 A I said, in a perhaps varying measure:

14 "We agree that the Watergate episode has been a heavy
15 handicap. The Watergate episode was a heavy
16 handicap. The Watergate episode brought my
17 photographs to the national fore and was the
18 correlation of the speculation about me and the JFK
19 assassination. The Watergate episode evolved this
20 into the JFK mess."

21 Q Was that a letter to Mr. Chichak indicating that because
22 your books could not be published, you were not going to
23 submit any more?

24 A That is correct.

25 Q Did you mention in that letter to Mr. Chichak, that one of

1 the factors which led you to conclude your books could not be
2 published was because you had been charged by Spotlight in
3 some way in an involvement with the Kennedy assassination?

4 A I did not, because we never discussed that matter.

5 My literary agent, Donald McCampbell, said, "They
6 will not touch you with a ten-foot pole."

7 MR. SNYDER: I object to the hearsay statement.

8 THE COURT: Objection sustained.

9 BY MR. LANE:

10 Q What is the name of your previous literary agent?

11 A Donald McCampbell.

12 Q Will he be a witness in this case?

13 A I am not aware.

14 Q Has a deposition been taken of him in this case?

15 A Not to my knowledge.

16 MR. LANE: I would like to publish this to the jury
17 at this time.

18 THE COURT: It is not in evidence yet.

19 MR. LANE: I offer it in evidence.

20 MR. SNYDER: I have no objection.

21 THE COURT: We will receive it as Defendant's Exhibit
22 A.

23 (Defendant's Exhibit No. A was received in
24 evidence.)
25

1 BY MR. LANE:

2 Q Have you in your possession any letter that you have
3 written to your literary agent stating that the reason that
4 you believe your books could not be published is because of
5 the The Spotlight article?

6 A No.

7 Q You stated, I believe, earlier this morning, that the
8 death of President Kennedy is not a mystery, is that correct?

9 A Not to me.

10 Q Not to you.

11 Have you ever read the Warren Commission Report?

12 A No, sir.

13 It is about thirty volumes, I believe.

14 Q The Warren Commission Report is a one-volume report which
15 relies upon some twenty-six volumes of testimony and exhibits,
16 theoretically, is that correct?

17 A If you say so.

18 I was not sufficiently interested in the controversy
19 to take the time to read the bulk of material.

20 Q I am talking about the one-volume Warren Commission
21 Report.

22 A I never read any portion of the Warren Commission Report
23 except the findings that it was one gunman acting alone, Lee
24 Harvey Oswald, which satisfied me.

25 Q You testified before the House Select Committee on

1 Assassinations?

2 A Extensively, yes.

3 Q Do you know the conclusion of the House Select Committee
4 on Assassinations as to whether or not it was one gunman
5 shooting alone who killed President Kennedy?

6 A My recollection, and you certainly are open to correction,
7 is there were a majority and a minority report filed.

8 There was controversy, and really no clear-cut
9 finding by the overall committee.

10 Q Did you read the report of the House Select Committee on
11 Assassinations?

12 A I read it, yes.

13 Q Is it not the conclusion of the House Select Committee on
14 Assassinationa, that is the evidence indicates there was a
15 conspiracy to kill President Kennedy?

16 A Well, I am not familiar with that conclusion, no.

17 Q Were you in Dallas on November 22, 1963? Were you in Dallas?

18 A No, sir.

19 Q On what did you base your statement that you knew that Lee
20 Harvey Oswald acting alone killed President Kennedy?

21 A Because I believe the Warren Commission findings.

22 Q Even though you have not read the Warren Commission
23 Report?

24 A That is true.

25 Q Have you investigated the matter at all?

1 A Of course not.

2 Q Have you compared the conclusion of the Warren Commission
3 to the evidence which the Warren Commission investigated?

4 A No, sir.

5 Q What is your contention that the Warren Commission
6 concluded?

7 A That there was one gunman acting alone and his name was
8 Lee Harvey Oswald, sir.

9 I don't deposit myself as an expert on the Warren
10 Commission.

11 I am not an assassination buff.

12 Q You testified under oath, Mr. Hunt?

13 A That is correct.

14 Q That you knew Lee Harvey Oswald acted alone to kill
15 President Kennedy.

16 Since you made that statement under oath, I am asking
17 you on what basis you reached that conclusion so you can make
18 the statement as to a fact?

19 A I can only say this, and I certainly would be willing to
20 disqualify myself as an expert on the Warren Commission.

21 I believed the conclusion of the Warren Commission
22 and believed it to be a fact.

23 Q You testified here that The Spotlight allegation that
24 there was a mystery about the death of President Kennedy was
25 false because you knew that Oswald acted alone?

1 A Yes.

2 Q Is there any evidence which you can point to to show your
3 statement is true?

4 A Would you repeat that question, sir?

5 I think there were a couple of parts to it. I want
6 to answer it specifically.

7 Q Other than your reading portions of a conclusion from a
8 one-volume report, what is your basis for swearing a few
9 moments ago you knew that Lee Harvey Oswald was the lone
10 assassin of President Kennedy?

11 A I am satisfied that he was. That is my position.

12 Q On what basis?

13 A On the basis that I read sufficient material to persuade
14 me, and having testified on the subject a number of times,
15 being asked a lot of questions, having dealt with the
16 Rockefeller Commission and so forth, there is no question in
17 my mind Lee Harvey Oswald was the assassin. my mind Lee Harvey

18 Q That tells us about the information which you read that
19 led to that conclusion.

20 What information did you read?

21 A Voluminous.

22 Q Tell us about it.

23 A I certainly have read my own testimony on the subject. I
24 read--I conferred with Mr. Olson of the Rockefeller
25 Commission, read portions of the House Committee on

1 Assassinations, and that is what I have gained.

2 I am not an assassination buff. I have not made it a
3 life study.

4 Q When I ask you what evidence you relied upon, what you
5 read, you began by saying you read your own testimony, is that
6 correct?

7 A Certainly.

8 Q Reading your own testimony cannot be evidence upon which
9 you relied to determine whether or not Oswald was the lone
10 assassin, is that correct?

11 A That's correct.

12 However, there is a colloquy, a dialogue in all
13 testimony.

14 And the questions that are addressed to me in the
15 comments by counsel, who address them to me also form part of
16 my testimony.

17 Q Are you relying upon questions asked of you in order for
18 you to reach the factual assertion that Oswald was the lone
19 assassin of President Kennedy?

20 A The tenure of the question is informative to any witness.

21 Q That is sufficient for you to condemn a person for murder,
22 is that correct, the tenure of a question?

23 THE WITNESS: Your Honor, am I required to respond to
24 what I consider to be badgering by counsel?

25 THE COURT: If your counsel objects. And I think it

1 is, I will rule.

2 Until such time, go ahead.

3 BY MR. LANE:

4 Q Did you testify in the case of U.S. vs. John Mitchell on
5 October 28, 1974?

6 A At some time in 1974, I did. John Mitchell, et. al.

7 Q Yes.

8 Just one last question on the House Select Committee
9 on Assassinations.

10 Did the House Select Committee on Assassinations, in
11 its finding state--concluded that it's probable, but the
12 President was assassinated as the result of a conspiracy?

13 Is that the conclusion of the House Select Committee
14 on Assassinations?

15 A If you are reading it, I understood there was a minority
16 opinion filed that discounted it.

17 Q Would you like to see the report? 17 Would you like to

18 A Yes, I would like to see it.

19 MR. LANE: Could we mark this for identification?

20 MR. SNYDER: What page?

21 MR. LANE: It appears to be your document,
22 Plaintiff's Exhibit 23.

23 MR. SNYDER: It has not be offered yet.

24 THE COURT: Does the plaintiff want to offer it?

25 MR. LANE: Just for identification as our exhibit at

1 this point.

2 BY MR. LANE:

3 Q I show you, Mr. Hunt, what has been marked Defendant's
4 Exhibit B which purports to be the report of the Select
5 Committee on Assassinations of the U. S. House of
6 Representatives.

7 And I refer to you to Page 225, and to one sentence
8 here, and ask you if, in fact, this sentence reads:

9 "The committee concluded it is probable that the
10 President was assassinated as a result of a
11 conspiracy."

12 A Plus the preceding sentence.

13 Q Your attorney can fill in any of the gaps if he wishes. I
14 asked you a simple question.

15 Is that what it states there?

16 A That is what that sentence states.

17 Q Now that you have seen the conclusion of the House Select
18 Committee on Assassinations, not just the tenure questions
19 asked of you, do you still believe Lee Harvey Oswald was the
20 lone assassin of President Kennedy?

21 A I do.

22 Q You believe, therefore, the allegation in The Spotlight
23 that "the assassination of President Kennedy remains a
24 mystery" is a false statement?

25 A I do.

1 Q Do you believe that the allegation by the House Select
2 Committee on Assassinations, their finding "that it is
3 probable it was a conspiracy to kill President Kennedy"?

4 Is that a false statement?

5 A I do.

6 Q Did you testify on October 28, 1974, in the case of United
7 States of America against John Mitchell, et. al?

8 A At some point in 1974, I testified against certain former
9 officials of the Nixon Administration.

10 MR. LANE: Could I have this marked, please?

11 MR. SNYDER: Do you have a copy of this for us that
12 we can use?

13 MR. LANE: I think the Court asked me to address the
14 Court solely.

15 THE COURT: So we don't have any problem.

16 MR. SNYDER: My question was, could we get a copy of
17 this, if Mr. Lee will be questioning Mr. Hunt about it? Lee will

18 MR. LANE: We don't have a copy. But there is one
19 certified copy from the Court.

20 I would like to make copies.

21 THE COURT: You can stand next to counsel so there
22 would be no objection?

23 BY MR. LANE:

24 Q I am going to show you Defendant's Exhibit C for
25 identification, and ask you if this refreshes your

15
1 recollection as to whether or not you testified in the case of
2 United States of America against John Mitchell, et. al, on
3 October 28, 1974.

4 Take your time and look through the entire document.

5 THE COURT: We will take a ten-minute recess.

6 (Recess taken.)

7 (Jury present.)

8 BY MR. LANE:

9 Q I think I asked you before the recess if looking at this
10 document, Defendant's Exhibit C for identification, refreshed
11 your recollection as to whether or not you had testified on
12 October 28, 1974, in the case of United States of America
13 against John Mitchell?

14 A Yes.

15 Q Does it refresh your recollection you testified on that
16 date?

17 A Yes. To repeat my reply, yes, sir.

18 Q Did you testify about a payment of \$75,000?

19 A At that particular trial?

20 Q Yes.

21 A I have no recollection of it.

22 But, obviously, if it is in the testimony, I did.
23 It was ten and a half years ago, sir.

24 Q Who paid you the \$75,000?

25 A Well, inasmuch as--or various payments were made to the

1 Watergate conspirators over a period of many months, coming
2 from different sources.

3 I would have to say without further identification, I
4 couldn't say.

5 Perhaps it came through my attorney. Perhaps it came
6 via my late wife. I don't know.

7 I assume it is in the body of my testimony.

8 Q Was Mr. Bitman your attorney at that time?

9 A In 1974, he was not.

10 Prior to that time he had been.

11 Q During what period of time was Mr. Bitman your attorney?

12 A From about the first part of July 1972 until probably May
13 or so of 1973, when he was asked to withdraw from the case by
14 the special prosecutor.

15 Q During that period of time, did he make substantial sums
16 of money available to you?

17 A I know he made substantial sums of money available to
18 himself.

19 I am not sure how much came directly from me to him.
20 Most of these sums of money were for payment of his legal
21 fees.

22 Q My question was, Mr. Hunt, did Mr. Bitman make substantial
23 sums of money available to you during that period?

24 A He made certain sums of money available to me at that
25 period.

1 Q How much?

2 A I have no recollection at this point, but it will be
3 reflected in my income tax.

4 Q Approximately how much?

5 A I don't know. I think he got about \$175,000 for legal
6 fees.

7 Q You know that is the second time you have answered the
8 question which I have not asked.

9 I asked you how much money did Mr. Bitman make
10 available to you.

11 A Counselor, believe me, I am not begging the question.

12 That was a long time ago.

13 If I testified to it, please read me what I testified
14 to and I will accept it. I have no problem with that at all.

15 I received sums of money. How much I received in a
16 particular time from a particular person, I am not prepared to
17 say.

18 Q Do you recall how much Mr. Bitman received for his legal
19 fees, is that correct?

20 A That's correct, because I think it came up in subsequent
21 court matters.

22 Q Did you testify before the Grand Jury which indicted
23 various people for the activities around Watergate?

24 A Including myself, yes, sir.

25 Q Did you have a conversation with Mr. Bitman prior to the

1 time that you testified before the Grand Jury about your
2 testimony?

3 A Undoubtedly I did, because he was accompanying me to each
4 of my many Grand Jury hearings.

5 Q Did you testify in the Mitchell case on the date we have
6 identified already, that Mr. Bitman had told you that your
7 only liability when you testified before the Grand Jury would
8 be if you testified falsely before them?

9 A Is that what I testified?

10 Q Do you recall that?

11 A I don't recall that specifically, no.

12 Q I will show you Page 4284.

13 A Counselor, I accept your representations. I am not
14 arguing with you at all.

15 It would be useful if we had a copy for me.

16 Q Here is your copy, Mr. Hunt. You said you don't want it.
17 Here it is. Look at it. 17 Here it is. Look at

18 MR. SNYDER: I don't think counselor should be
19 talking to the witness.

20 MR. LANE: I am not.

21 THE COURT: I did not hear him talking--

22 MR. SNYDER: I thought so. Perhaps I was wrong.

23 THE COURT: Let's go to the next question, please.

24 BY MR. LANE:

25 Q After reading Page 4284 of the transcript, does that

1 refresh your recollection as to whether or not you testified
2 in the Mitchell case, that you had talked to Mr. Bitman and
3 Mr. Bitman told you, "As long as you testified truthfully.
4 before the Grand Jury, nothing could be done to you"?

5 A That does refresh my memory, yes.

6 Q Were you granted immunity to testify before the Grand
7 Jury?

8 A Watergate Grand Jury, I am not sure that I was.

9 Q Isn't that what Mr. Bitman told you, you had been granted
10 immunity except if you committed perjury, of course.

11 No grant of immunity for perjury.

12 A Is that in here?

13 Q Yes.

14 A Then it must have happened.

15 The grant of immunity came a little late to be of any
16 benefit to me.

17 Q The prosecutor did not act quickly enough for you, is that
18 your point?

19 THE COURT: Counsel, don't argue with him.

20 MR. LANE: We are getting many sides of the response
21 of Mr. Bitman for taking money.

22 THE COURT: Don't you be argumentative.

23 MR. LANE: I ask the Court to admonish the witness
24 just to answer the questions.

25 THE COURT: I have done so and will do so again.

1 Directly answer the question.

2 BY MR. LANE:

3 Q After being told by Mr. Bitman, your attorney, you had
4 been granted immunity and all you had to do then, without
5 placing yourself in further position of jeopardy, was not to
6 commit perjury before the Grand Jury.

7 Did you take an oath before that Grand Jury in which
8 you swore that you would tell the truth, the whole truth, and
9 nothing but the truth to that Grand Jury?

10 A I did.

11 Q Is that the same oath that you took here, yesterday,
12 regarding your testimony yesterday and today?

13 A Yes, twelve years later.

14 Q Did you begin before the Grand Jury by reading a prepared
15 statement?

16 A I may have.

17 Q I am going to show you Page 4284 of the same document, to show
18 which is Defendant's Exhibit C for identification, and ask you
19 if that refreshes your recollection.

20 A Did you want me to read the balance?

21 Q You can read whatever you wish.

22 But I asked you about that one statement that appears
23 on that page.

24 If you want to peruse the entire document, I have no
25 objection.

1 Does that refresh your recollection as to whether or
2 not you read from a prepared statement to the Grand Jury after
3 you took your oath?

4 A Yes, it does.

5 And my problem has been this, and I think it is
6 cleared up now, we were talking now about a trial in 1974.

7 That questioner read to me about some things that
8 happened a year or so earlier at both Grand Jury hearings were
9 in coincidence in time and place.

10 My answer is "yes."

11 Q In the prepared statement which you read to the Grand
12 Jury, did you state that you had never discussed any aspect of
13 the Watergate affair with Charles Olson either before or after
14 June 17, 1972?

15 A I made that false statement.

16 Q That statement was false?

17 A It was a false statement.

18 Q In what respect was it false?

19 A Because I had even, indeed, discussed Watergate with him
20 principally subsequent to the episode.

21 Q In that prepared statement which you read to the Grand
22 Jury, after you had sworn to tell the whole truth and nothing
23 but the truth, did you also state that you did not have any
24 additional knowledge of the involvement of others beyond Mr.
25 Liddy in the Watergate matter?

1 A I made that statement, yes, sir. A false statement.

2 Q Was that statement false?

3 A It was a false statement.

4 Q In what respect was it false?

5 A Because through Mr. Liddy, I had knowledge that higher ups
6 in the Government were involved.

7 In fact, I would not have acted as I did if I did not
8 have that belief.

9 Q Did you, when you testified before the Grand Jury, swear
10 to that Grand Jury that Mr. Liddy had never explained to you,
11 through reason, for the decrease in the original Gemstone
12 budget?

13 A I don't recall that specifically.

14 Q Let me show you Page 4286 of this same exhibit.

15 I will point to the sentence, and you can look
16 through the entire document.

17 This is the sentence that would be most helpful.

18 A Yes, sir.

19 Q My question is: Now that you read your own testimony, did
20 you testify before the Grand Jury that Mr. Liddy had never
21 explained to you the reason for the decrease in the original
22 Gemstone budget?

23 A Yes.

24 Q Was that statement true or false?

25 A It was false.

1 Q Did you know it was false when you made it?

2 A I knew it was false when I made it; yes, sir.

3 Q Did you testify before the Grand Jury while under oath
4 that you knew of no personal contact that Mr. Liddy had had
5 with Mr. Mitchell, and that Mr. Mitchell's name never had come
6 up in connection with the activities you and Liddy and the
7 Watergate matter?

8 A Referring again back to the 1973, Grand Jury.

9 Q Testimony before the Grand Jury on the 29th day of March
10 1973?

11 A I so testified.

12 Q Was that testimony false?

13 A It was a false statement.

14 Q Did you know it to be false when you gave it to the Grand
15 Jury?

16 A Yes.

17 I hedged on it in my own mind, because I had no
18 direct personal knowledge of it.

19 Q Are you saying it was not false?

20 A No.

21 I am saying that intellectually I knew it to be
22 false.

23 But I satisfied myself because I had not actually
24 seen Mr. Liddy and Mr. Mitchell together. It was a false
25 statement.

1 Q Did you testify before the Grand Jury on March 29, 1973,
2 that Mr. Dean's name never came up in connection with the work
3 you were doing with Mr. Liddy?

4 A Yes.

5 Q Was that statement false?

6 A That was a false statement.

7 Q Did you know it to be false when you made it?

8 A I knew it to be false when I made it.

9 Q Did you testify before the Grand Jury when asked
10 specifically if you had any knowledge of any kind, for whom
11 Mr. Liddy was working on the Gemstone project.

12 Do you recall being asked that question?

13 A Not specifically, no.

14 Q I will show you Page 4287 of the same exhibit.

15 After looking at your testimony, Mr. Hunt, do you
16 recall now whether or not when you testified before the Grand
17 Jury, you swore to them that you had no knowledge of any kind
18 for whom Mr. Liddy was working in the Gemstone project?

19 A I so testified falsely.

20 Q That was a false statement.

21 Did you know it to be false when you made that
22 statement?

23 A I knew it to be false.

24 Q What was the Gemstone project?

25 A It was Watergate.

1 Q Anything else?

2 A How deeply do you want to get into Watergate here?

3 Q I want to know what the Gemstone project was.

4 A The Gemstone project was the code name that Mr. Liddy
5 assigned the Rubrick that comprised the entry at the
6 Democratic National Committee Headquarters in the Watergate
7 Building.

8 Q Was there any other activity covered by the title Gemstone
9 other than the entry into the Watergate headquarters of the
10 Democratic Party?

11 A I think certain proposals were made by Mr. Liddy to take
12 place for the projects of the Republican National Convention
13 down in Miami.

14 Whether those were ever funded or not, I cannot
15 recall.

16 Q What were those suggestions?

17 A He had one wild idea of hiring a jet to trail Mr.
18 McGovern's plane and intercept radio messages from Mr.
19 McGovern's plane.

20 This is very embarrassing to listen to that stuff.

21 Q You listened to it at the time?

22 A I don't think anybody ever took that seriously.

23 Q Did you discuss that with Mr. Liddy at that time?

24 A Discussed it with him?

25 Q Yes.

1 A I discussed it with him to some extent.

2 He discussed it with Mr. McCord, who was the
3 so-called electronics experts.

4 Q Did you report to anyone at the White House it was this
5 idea which you thought was really wild about a jet plane and
6 Mr. McGovern's plane?

7 A Not at this point.

8 I hardly had any contact with anybody in the White
9 House.

10 Q Anything else that you recall covered by Gemstone?

11 A It was actually funded?

12 Q No, it was discussed.

13 A Dozens of things were discussed.

14 Q Like what?

15 A Well, one of the proposals was to grab a couple of the
16 hippie leaders and take them down to Mexico.

17 Mr. Liddy said he knew all about that, because he had
18 headed operations--intercepted for the Bureau of Narcotics &
19 Dangerous Drugs and he knew the back alleys across the border.

20 Q Did you indicate you knew something about Mexico, also?

21 A Certainly, I knew a lot about Mexico.

22 I was chief of station there for a number of years,
23 but mostly in Mexico City.

24 Q Did you discuss this proposal with Mr. Liddy, this plan to
25 take some hippie leaders and kidnap them and take them to a

1 foreign country?

2 A He discussed it with me, yes, sir.

3 Q On more than one occasion?

4 A I would say two or three occasions.

5 Q Anything else discussed under the code name Gemstone?

6 A When it became known that the convention was not going to
7 be in San Diego, but here in Miami, at that point Liddy
8 started a program of intelligence gathering at the beachfront
9 hotels to using domestic help in the hotels to obtain
10 information on Democratic National Committee figures and their
11 candidates.

12 Q Obtain information in what fashion?

13 A Well, one thing was, most of the help in the hotels at
14 that time were Cubans or recent immigrants from--a lot of them
15 were Brigade 2506 connections.

16 And Martinez, Rolando Martinez, was going to
17 establish a network of information there.

18 There was another proposal.

19 Q Was that to be under your direction?

20 A Under my direction?

21 Q Because of your contacts with the Cubans?

22 A Through Barker. Barker would handling it and report to
23 me.

24 Q What means were to be used in the hotels to secure this
25 information?

1 A I thought I just made that clear.

2 I said through the domestic help, through the maids,
3 bartenders, waiters, people like that, who would be in bars
4 and be able to report on who was having conversation with
5 whom.

6 Q Was it also discussed to enter the rooms of some of the
7 guests and examine their belongings?

8 A I don't recall that; no, sir.

9 Q What else was under the code name Gemstone?

10 A Mr. McCord, and I think this was one of John Mitchell's
11 ideas, one of the hotel's penthouse floor was to house whoever
12 the Democratic nominee would be.

13 I think it was decided it would be Mr. McGovern at
14 that time.

15 And Mr. Liddy, Mr. McCord and I went down to a
16 houseboat owner in front of the Fontainebleau Hotel where
17 there was a line-of-sight radio communication--this is a long
18 time ago--line-of-sight communication between the penthouse at
19 the top of the Fontainebleau and the houseboat in front.

20 Mr. McCord said that he could plant some bugs in the
21 transmitters, or whatever they are called, up there and the
22 LPT listening post would be down in the houseboat.

23 And when Mitchell heard about that, since he intended
24 to occupy that same suite, his remark was relayed to me--and
25 again this is hearsay--was, "Get those damn mikes out before I

1 occupy the place."

2 Nothing came of that.

3 Q Did you actually do anything in furtherance of that
4 conspiracy?

5 A Other than talking with the houseboat owner, no.

6 Q You talked to the houseboat owner?

7 A Yes.

8 Q Do you know what an overt act is in furtherance of a
9 conspiracy?

10 A Yes.

11 Q Is talking with the houseboat owner, under the law, an
12 overt act in furtherance of a conspiracy?

13 A I understand that.

14 Q You realized that conspiracy was at that point a crime?

15 A I understand that, yes.

16 Q Have you ever been prosecuted for that crime?

17 A Yes, indeed. Served thirty-three months.

18 Q For that?

19 A For conspiracy to intercept electronic communications.

20 And conspiracy for burglary in the second degree;
21 yes, sir.

22 And paid a \$10,000 fine.

23 Q What else came under Gemstone?

24 A Mr. Liddy thought it would be as well to recruit some
25 prostitutes in the Fontainebleau bar who would circulate

1 around among the guests, the Democratic guests, bring them
2 over to the houseboat where they would be photographed.

3 Nothing happened to that.

4 There was no conspiracy because no overt act was ever
5 made.

6 Q You discussed that with Mr. Liddy?

7 A Mr. Liddy discussed it with me.

8 Q Who else was present when you had these discussions?

9 A I don't think anybody else was present.

10 Q What else came under Operation Gemstone?

11 A I think that is all there was.

12 Q When you testified before the Grand Jury in 1973, that you
13 had no knowledge of any kind, for who was Mr. Liddy working in
14 the Gemstone project that you were, in fact, keeping from the
15 Grand Jury all of the information which you now have given us,
16 is that correct?

17 A That's correct, yes, sir.

18 Q Did you testify before the Grand Jury that the only
19 contact you had had with anyone from the White House staff
20 directly or indirectly after June 17th was one letter that you
21 wrote to Mr. Colson?

22 And specifically you had not had contact with Gene
23 Hall except for some irrelevant conversation to do with the
24 publication of a book?

25 A If your reading from that, I accept that.

1 Q I would like your testimony to be based upon what you know
2 now, not my assurances.

3 A Yes.

4 I so testified it was a false statement. And I knew
5 it was false when I made it.

6 Q Did you testify before the Grand Jury that since June 17,
7 1972, which was the date of the Watergate arrests, that you
8 had no personal contact with James McCord except at the
9 courthouse?

10 It is not a guessing game. I am not trying to test
11 your memory.

12 If you have any question, I will show you the
13 document.

14 In looking at Page 4827 of Defendant's Exhibit C,
15 does that refresh your recollection as to whether or not you
16 swore before the Grand Jury that since June 17, 1972, you had
17 no personal contact with James McCord except at the
18 courthouse?

19 Did you make such a statement under oath?

20 A I made such a statement under oath.

21 Q Was it true?

22 A It is true that I made the statement.

23 The statement itself was false, and I knew it to be
24 false at the time I made it.

25 Q That is because you knew that you had had other contacts

1 with Mr. McCord during that period, is that correct?

2 A Yes.

3 Children including his attendance at the funeral of
4 my wife.

5 Q Also commitments for deliveries of funds, too, is that
6 correct?

7 A Deliveries of funds to me, yes.

8 Q Yes?

9 A Deliveries of funds from my wife to Mr. McCord. Mr.
10 McCord was never a source of funds.

11 Q What you did not tell the Grand Jury is that you had met
12 with Mr. McCord and had worked out commitments for funds from
13 Mr. McCord and commitment to deliver funds, is that correct?

14 A Funds for Mr. McCord, not funds from Mr. McCord.

15 Q Funds for Mr. McCord.

16 A Yes, absolutely.

17 Q That is what you did not tell the Grand Jury?

18 A That is not what I told the Grand Jury.

19 Q In your testimony before the Grand Jury, did you suggest
20 that no assurance had been made to you regarding how you were
21 going to be able to raise funds to pay for attorney and for
22 other expenses, living expenses?

23 A I made such a statement.

24 Q Was that statement false?

25 A It it was a false statement, and I knew it to be false at

1 the time.

2 Q Did you appear before the Grand Jury the next month on
3 April 19, 1973? --

4 A I think I appeared before the Grand Jury fourteen, fifteen
5 times.

6 Would you care to be specific?

7 Q I am specific about the date. Now I will show you the
8 document. This is Page 4288 of the same exhibit.

9 Does that refresh your recollection, Mr. Hunt, as to
10 whether or not you appeared before the Grand Jury, the same
11 Watergate Grand Jury on April 19, 1973?

12 A Yes.

13 Q Did you testify in substance on that occasion that you
14 never asked Mr. O'Brian in your conversations to pass along a
15 message to anyone else's conversation which you just related?

16 A Yes, sir.

17 Q Was that false?

18 A That was false.

19 Q Did you know it to be false?

20 A I knew it to be false.

21 Q Did you also testify before the Grand Jury in April of
22 1973 that you never stated to Mr. O'Brian in substance during
23 the conversation, that if your demands were not met, you would
24 or might disclose certain seamy things?

25 A I made such a statement to Mr. O'Brian.

1 Q Did you testify you had not made such a statement?

2 A Probably.

3 Q I ask you to look at 4288, the bottom of that page and
4 4289, and see if that refreshes your recollection.

5 Does that refresh your recollection?

6 A It does.

7 Q Had you given such testimony to the Watergate Grand Jury
8 during April of 1973?

9 A I had.

10 Q Was that statement false?

11 A It was a false statement.

12 Q Did you know it to be false?

13 A I knew it to be false.

14 Q In fact, was it false because you did tell Mr. O'Brian
15 that if your demands for money were not met, you would or

16 might disclose certain seamy things?

17 A Referring if our demands for support money were not met, I
18 was in a position to disclose certain seamy things, yes.

19 Q Yet you say the article in Spotlight where there is a
20 reference to your having been involved in blackmail is false,
21 is that correct?

22 A Would you rephrase that question, sir? I will answer you
23 in full.

24 Q If you can answer me with a "yes" or "no" to start out
25 with, that would be best.

1 A Let's break up the question, then it would be easier for
2 me.

3 THE COURT: Rephrase your question.

4 MR. LANE: Yes, your Honor.

5 BY MR. LANE:

6 Q Did you testify that the allegation in Spotlight, that you
7 were involved in blackmailing the White House was false?

8 A May I refer to this. I thought it said blackmailing the
9 CIA.

10 Q Is that your answer?

11 A No, its just a question of whether--

12 Q You can refer to any document, please.

13 A May I request to examine this?

14 Q Yes.

15 A With the Court's permission.

16 THE COURT: Yes, sir.

17 THE WITNESS: The reference in the article is
18 "blackmailing the CIA."

19 BY MR. LANE:

20 Q Who is Mr. O'Brian?

21 A Mr. O'Brian was a member of the committee to re-elect the
22 President.

23 He was an assistant counsel for it.

24 Q Did you make demands of him for funds?

25 A Yes, I did.

1 Q How much did you ask for?

2 A I don't recall what the sum was.

3 Q Did you mention a million dollars yesterday?

4 A I mentioned a million dollars in connection with a demand
5 that was made to Mr. John Dean for a period of three years to
6 support about several families, yes.

7 This was a different context discussion with Mr.
8 O'Brian.

9 Q That was not for the support of several families, is that
10 correct?

11 A As I recall, this had to do with my own family.

12 Q How much did you ask for?

13 A I don't recall what it was.

14 Whatever it was, it had been promised in advance and
15 not been paid.

16 Q Did you say to Mr. O'Brian, "I want that money. If I
17 don't get it, I will reveal certain seamy things"?

18 A I may reveal certain seamy things.

19 Q Did you say you would or might?

20 A That is correct.

21 Q What were those seamy things you were referring to?

22 A I was referring to things that had not been disclosed in
23 the Watergate investigation.

24 Q In addition to what you told us about this morning?

25 A Specifically, the Fielding entry operation.

1 Q In addition to that, was there any other seemy things?

2 A That is all that comes to my mind.

3 Q Did you testify before the Grand Jury, the Watergate Grand
4 Jury in April under a grant of immunity, that Mr. Liddy had
5 never discussed with you the involvement of any higher ups,
6 and you had no knowledge direct or indirect of anyone else's
7 involvement in the Watergate break-in?

8 A April '73?

9 Q Yes.

10 A I so testified falsely. Knew it when I so testified.

11 Q Did you testify in April of '73, for the same Grand Jury
12 that you had never asked Mr. Bitman to explore clemency and
13 never learned of any discussions of clemency on your behalf?

14 A I so testified, yes.

15 Q Was that testimony truthful?

16 A It was false.

17 Q Did you know it to be false when you gave it?

18 A I knew it to be false.

19 Q Did you appear before the Watergate Grand Jury the
20 following month, May 19, '73, and did you testify there on May
21 2nd?

22 A I have no independent recollection of it. I accept your
23 representation.

24 Q Page 4289, bottom question.

25 A This establishes the date, yes, sir.

1 Q Does that refresh your recollection?

2 A Yes, it did.

3 Testimony on the 2nd of May of 1973, before the
4 Watergate Grand Jury.

5 Q Did you swear before that Grand Jury in May that Mr. Liddy
6 had never indicated to you who else might have been involved
7 or who had knowledge of the break-in or electronic
8 surveillance at the Democratic National Committee
9 Headquarters?

10 A Yes, I so testified.

11 Q Is that false?

12 A It was false.

13 Q Did you know it to be false when you made that statement
14 before the Grand Jury?

15 A I knew it to be false when I made that statement.

16 Q Did there come a time after that testimony when you
17 learned that John Dean had begun to cooperate with the
18 prosecutors, and Mr. McGruder had begun to cooperate with the
19 prosecutors, and Mr. Larou had begun to cooperate with the
20 prosecutors?

21 A Well, I know that they all did cooperate with the
22 prosecutors.

23 Mr. McGruder had already been tried. My recollection
24 is that it happened about in April.

25 John Dean began running for cover.

1 Q Running for cover?

2 A Yes.

3 Q Is that your description of someone telling the truth?

4 A Of his desire to cooperate with the Government. I retract
5 that statement, sir.

6 Q Which is the same thing you did a little later, is that
7 correct?

8 A I decided to tell the truth and cooperate, yes, sir.

9 Q You decided to tell the truth and John Dean decided to run
10 for cover?

11 A Yes, sir.

12 Q After Mr. Dean and Mr. McGruder and Mr. Larou started to
13 testify truthfully before the prosecutors, did you begin then,
14 for the first time, to recant some of your false statements
15 before the Grand Jury?

16 A I don't recall what the time frame was, but there came a
17 time when I did recant my statements, yes.

18 Q Were you asked this question, and did you make this answer
19 Page 4289, if you would like:

20 "Did there come a time, thereafter, Mr. Hunt, after
21 you learned or it was learned, Mr. Dean began to
22 cooperate with the prosecutors; Mr. McGruder began
23 to cooperate with the prosecutors; Mr. Larou began
24 to cooperate with the prosecutors, did you later
25 recant some of the statements you had testified to?

1 "A I did."

2 Does that refresh your recollection?

3 A It does, indeed. And I recall the context now.

4 One of the reasons I had been lying was to protect
5 the very people who later began telling the truth.

6 Q Even after you began to recant, after these three
7 gentlemen had begun to tell the truth and you began to recant,
8 did you still make false statements?

9 A I still made some false statements, yes, sir.

10 Q Did you write a book called "Undercover Memoirs of a
11 Secret American Agents"?

12 A Yes.

13 Q And even after these three gentlemen recanted and told the
14 truth and you began to tell some of the truth, did you publish
15 false statements in that book?

16 A I did not.

17 Q Did you ever publish any false statements in any book
18 after you recanted?

19 A The only non-fiction book I published after that was
20 "Undercover Memoirs of an American Secret Agent" and a dispute
21 arose in the courtroom having to do with whether I left
22 downtown Washington D.C., at midday or at 4:00 o'clock.

23 I was wrong about the time. It was not a lie. It
24 was a mistake.

25 Q What today was that?

1 A 19th of June 1972.

2 Q I am sorry. Perhaps my question was not clear, because
3 your answer is not clear to me.

4 At the time, did you just give us the date you left
5 downtown or the date you wrote the book?

6 A The date that the dispute arose about was what time I left
7 downtown.

8 That date involved June 19, 1972.

9 Q But you did not make a full statement in that book?

10 A That is true. I did not disclose a lot of things in that
11 book.

12 Q Were you asked this question when you testified in the
13 Mitchell case, Page 429 same exhibit.

14 The following portion which we read already regarding
15 Mr. Dean, Mr. McGruder and Mr. Larou and then your beginning
16 to recant.

17 Next question is after you stated "I did" to that
18 question.

19 "Did you begin then to relate some of the testimony
20 that you have given here in this courtroom?

21 "I did.

22 "Despite that, Mr. Hunt, is it fair to say even after
23 the summer of 1973 for that, that you did not tell
24 the whole truth in subsequent testimony and
25 statements made in various forums?

1 "Yes, sir."

2 Do you recall being asked that question and giving
3 that answer?

4 A I do.

5 Q Was that answer truthful?

6 A It was.

7 Q What were the subsequent statements and what were the
8 various forums where you declined to tell the whole truth,
9 after your testimony?

10 A Well, in about that time would I have to suggest that the
11 name of president--then President Nixon was becoming more and
12 more prominent and again, to the best of my recollection, I
13 was being asked whether I felt Mr. Nixon was involved, had any
14 knowledge and so forth. And I continued to deny that I had
15 any such knowledge.

16 Q Do you recall this testimony, Mr. Hunt, same page. Going
17 back a sentence:

18 "Question. Despite that, Mr. Hunt, is it fair to say
19 even after the summer of 1973, that you did not tell
20 the whole truth in subsequent testify and statements
21 made in various forums?

22 "Answer. Yes, sir.

23 "Question. Did that include even in some instances a
24 book which was recently published?

25 "Yes, sir."

1 "That book being entitled 'Undercover Memories of a
2 Secret America Agent?

3 "Yes, sir.

4 "You wrote that book?

5 "I did."

6 Do you recall that exchange?

7 A I do.

8 Q Was that exchange truthful?

9 A The exchange was truthful, yes. My book did not lie. It
10 did not tell certain things.

11 Q Do you believe that after you testified that your book did
12 not tell the whole truth, that that could have affected
13 publishers in the United States in there decision not to
14 publish any more of your works?

15 A No, sir.

16 Q Did this statement that your book did not tell the whole
17 truth, was that published before your first rejection in the
18 manuscript?

19 A It was. That was published in 1974, and my first
20 rejection came in about 1977.

21 Q Do you recall testifying about the Ellsberg break-in
22 yesterday, the Ellsberg doctor's break-in?

23 A The Fielding break-in?

24 Q Yes.

25 A Yes, I do.

1 Q And do you recall telling us that there was a story going
2 around that Dr. Ellsberg had gone to some Soviet institution
3 and turned over the Pentagon papers to the Russians?

4 A Soviet establishment, not institution.

5 Q I am sorry?

6 A Soviet establishment, specifically a Soviet Embassy.

7 Q Who told you that?

8 A I think that information came to me from Mr. Liddy while
9 we were still in the White House.

10 Q What did he tell you was the basis for the information?

11 A My recollection was an FBI report.

12 Q Did you see the FBI report?

13 A I did not personally, no.

14 Mr. Liddy received information from reports from the
15 FBI and Department of Defense.

16 Q You did not believe that story, did you?

17 A Well, as I explained yesterday, it seemed highly unlikely
18 to me anybody trying to transmit American secrets
19 clandestinely would appear at the door of a Soviet
20 establishment, package in hand and convey it in that fashion.

21 Q Did it also seem unlikely to you Mr. Ellsberg would do
22 that based upon the theory that perhaps the Soviet Government
23 did not subscribe to the New York Times and couldn't read the
24 Pentagon Papers in there?

25 A I am not sure that was on my mind at the time, Counselor.

1 Q Since the matter was published by the New York Times would
2 there be any reason that you can imagine as an intelligence
3 officer for someone to sneak into the Soviet Embassy and
4 deliver the same material?

5 A If you are asking me to speak as a former intelligence
6 officer, yes, because what is of most value and what was the
7 most help to the Soviets during the entire Pentagon Papers
8 uproar was the transfer by one man or another of plain
9 language text American cables between American field
10 commanders in Vietnam who are in the Pentagon that gave the
11 printed text to code breakers around the world, including the
12 Soviets.

13 Whether the New York Times published the precise
14 exact text, heading, time, the date group and so forth, on
15 each of these messages I don't know, but I would suggest the
16 original documents would have been of far more value to a
17 hostile service.

18 Q You never credited the story to Doctor Ellsberg going to a
19 Soviet institution and delivered documents?

20 A Soviet establishment, it seemed possible to me, because
21 Mr. Liddy had indicated to me this came by means of an FBI
22 report.

23 Obviously somebody was surveilling the Soviet
24 establishment and it seemed somebody come, this was not all
25 that incredible.

1 Q Would you say it was improbable?

2 A I don't recall what weight I attached to it at the time.
3 Obviously I attached enough weight to it that I was persuaded
4 by Mr. Liddy to go on ahead and inform an entry team to see if
5 we can get more light on the subject.

6 Q Has your thinking on this matter changed since you
7 testified yesterday?

8 A No.

9 Q Did your testimony yesterday it seemed improbable to me?

10 A Well, we were not going into the background as thoroughly.
11 Improbable, impossible, if I said improbable that is okay. I
12 don't object to that. Did not seem impossible.

13 Q I asked you a moments ago, Mr. Hunt, if it seemed
14 improbable to you that Ellsberg had done that?

15 A It seemed unlikely.

16 Q Did you testify yesterday that it seemed improbable to
17 you, do you recall? 17 you, do you recall?

18 A I don't recall that word, but I will accept it, Counselor.
19 We were talking about degree. Unlikely improbable.

20 Q I show you your testimony from yesterday, page forty-two,
21 and ask you if you stated under oath before this jury
22 yesterday, as to being a former CIA chief of station who
23 worked against a variety of Soviet institutions around the
24 world, it seemed improbable to me.

25 A It it seemed improbable to me, I accept what I said,

1 "Yes." Improbable. Not impossible.

2 Q Did you recruit Mr. Barker for the Fielding break-in?

3 A I did.

4 Q Mr. Barker a friend of yours?

5 A He was a former employee of mine in the agency. A
6 contract employee, yes, and a friend.

7 Q Did you tell Mr. Barker when you recruited him what the
8 assignment was, the break-in, Dr. Fielding's office?

9 A I certainly told him enough about the problem of the
10 project to enable him to select some association of an
11 appropriate background.

12 Q Did you tell him you would break-in to the office of the
13 psychiatrist on the west coast?

14 A I don't recall. I think I told him we were involved in
15 breaking into the office of the psychiatrist of a traitor.

16 Q Referring to Doctor Ellsberg as a traitor?

17 A Referring to Dr. Elsberg as a traitor, although not by
18 name at that time.

19 Q Did you tell Mr. Barker that this traitor, Dr. Ellsberg,
20 very probably in the past conveyed classified information to
21 Soviet agents?

22 A I may we well have, yes.

23 Q I show you your testimony?

24 A Very good.

25 Q On July 1st, 1974, United States of America against

1 Erlichman and I ask you to look at page ninety-three. See if
2 this refreshes your recollection about what you testified to
3 then, regarding your conversation with Mr. Barker?

4 A I read the testimony.

5 Q Were you asked this question on July 1, 1974, when you
6 testified as a witness for the Government against Mr.
7 Erlichman and others? You were asked these questions, and did
8 you make these answers.

9 "Now, on Friday your testimony was in the form of a
10 possible traitor or someone who you were considering
11 might have passed information to the Russian
12 Embassy.

13 "My question to you is, when you made the
14 representation to Mr. Barker, to the best of your
15 recollection, did you put it to him in the form of a
16 possible traitor, who might be passing information,
17 or did you tell him that it involved a traitor who you
18 had given classified information to the Russians?

19 "Answer: I think we have two things here, Mr.
20 Schultz. First of all, we have the certainty that
21 there was a traitor involved, and the possibility
22 and the discussion between court and counsel, on
23 objections."

24 And then you continued.

25 "What I said to Mr. Barker, was the following: We

1 have a situation which involves a traitor to the
2 United States, who very probably in the past,
3 conveyed classified information to Soviet agents.
4 At that time, I also think I had told Mr. Barker, we
5 are not sure but what this same individual might
6 will be a Soviet agent."

7 Is that what you told Mr. Barker?

8 A I am certainly satisfied with that charge that I laid upon
9 him, yes.

10 Q Did you lie to Mr. Barker?

11 A No.

12 Q At that time did you very probably believe that Ellsberg
13 had given documents to the Soviet Embassy?

14 A I very probably did, because obviously Mr. Liddy came
15 forth with further information that persuaded me of the
16 likelihood that that was the case.

17 Q Did you investigate that this matter since that time?

18 A I was not in an investigatory capacity.

19 Q Since that time, have you looked into the matter?

20 A No.

21 Q Do you know if there is any independent case at all that
22 Dr. Ellsberg ever gave classified material to the Soviet
23 Union?

24 A I don't have access to FBI files of that nature.

25 Q To your knowledge that is--

1 A I do personally know. I don't personally know.

2 Q Do you know whether or not Dr. Ellsberg has ever been
3 prosecuted for giving information to a foreign Government?

4 A Not to my knowledge.

5 Q Has he ever be charged with treason?

6 A Not to my knowledge.

7 Q And you say at this point Dr. Ellsberg is a traitor?

8 A At that time, given those circumstances, it appeared very
9 likely that he was?

10 I am perfectly comfortable with what I conveyed to
11 Mr. Barker at that time.

12 Q Based upon that statement to Mr. Barker, Mr. Barker
13 decided to join your team?

14 A There were other considerations.

15 Q What with the other considerations?

16 A The other considerations were that he hoped again by
17 becoming involved with a member of the White House staff, that
18 this would be beneficial to the Cuban anti-Castro effort. I
19 believe, he so testified.

20 Q Did you tell him you were involved with the White House
21 staff?

22 A He knew I was. There was no question about it.

23 Q Did you imply there was a presidential operation to him?

24 A I thought it was whether I was so indiscrete as to let him
25 think so. I can't recall.

1 Q You recruited Barker for the Ellsberg break-in, also Dr.
2 Fielding's break-in. Did Mr. Barker, to your knowledge,
3 recruit others for that break-in?

4 A He did.

5 Q Who were the others?

6 A Martinez was one, I believe. Liddy was out there.

7 Q Did Mr. Barker recruit Mr. Liddy?

8 A Mr. Gonzalez, no.

9 I am trying to think of who comprise the team. I am
10 thinking out loud. Liddy and myself, Barker, Gonzalez, or
11 Martinez, maybe Gonzalez. I don't recall how many were
12 involved.

13 Q You recruited Barker, and Barker recruited Martinez, is
14 that correct?

15 A Yes.

16 Q And then you ended up testifying for the U. S. Government
17 against Mr. Barker your friend, who you had recruited, and
18 against Mr. Martinez, who he had recruited?

19 A At a time when I had agreed to cooperate and tell the
20 truth, the whole truth, and nothing but the truth.

21 Q Yes?

22 A Yes.

23 Q Did you write to Mr. Barker in 1965 indicating you were
24 retiring from the CIA?

25 A I may have. I knew his address as far as back as '65.

1 Q Did you write to him in '66 and tell him that you had
2 retired from the CIA?

3 A I have no particular recollection of it, Counselor. It is
4 entirely possible I did.

5 Q Had you retired from the CIA in 1966?

6 A No.

7 Q I am going to show you the Defendant's Exhibit D for
8 identification, and ask you to look at the bottom of Page 905,
9 up through Page 906.

10 I am going to ask you about those two pages. You can
11 read the whole thing if you want?

12 A I wanted to conclude I thought that the text or duplicate
13 of the letters might appear.

14 Q Does this refresh your recollection as to whether or not
15 you wrote to Mr. Barker in '65 and said you would retire from
16 the CIA, and wrote to him in '66 and said you have retired?

17 A Yes, that was my testimony at that time yes, sir.

18 Q Was it truthful?

19 A Yes.

20 Q You had, but you had not retired?

21 A Truthful that I had written him, yes. That was truthful.

22 Q You had not told him the truth in those letters, had you?

23 A No, because I was not then retired from the CIA.

24 Q Why did you tell that to Mr. Barker?

25 A That was the instruction I received from the agency,

1 before I went to Spain.

2 Q Totally to Mr. Barker?

3 A No, to maintain a cover, sir.

4 Q Is one of the ways you maintain a cover by lying to
5 friends about your activity?

6 A If you want to put it that way, certainly.

7 Q The letter to Mr. Barker said you had retired in '66. It
8 was not true, was it?

9 A If you want to get into the cover matter, Counselor, it is
10 very true, for years I appeared to be first secretary in the
11 diplomat service. Actually, I was a CIA official. These were
12 Government endorsed activities, let me put it that way.

13 Q I am sure they were?

14 A Very good.

15 THE COURT: Counsel.

16 BY MR. LANE:

17 Q You have now told us you retired from the CIA in 1970, is
18 that correct?

19 A May 1st.

20 Q Is that true?

21 A That is true.

22 Q Is that more true than the statement you made to Mr.
23 Barker in '66?

24 A Several degrees more truthful, yes.

25 Q Is it, in fact, a standard of traditional cover for CIA

1 agents is to claim they have retired when, in fact, they have
2 not?

3 A If the were of an appropriate age, yes. Somebody in his
4 twenties, it would be ridiculous cover.

5 Q Is it where it could apply?

6 A As I say, appropriate.

7 Q Where it is an appropriate traditional or standard cover
8 device.

9 Am I going too far in describing it?

10 A Well, you have not asked me to characterize it. I would
11 say it is a mechanism, a device, and if there is reason to
12 backstop that kind of a cover story, then it would be employed
13 if appropriate, but certainly not everybody who reaches age
14 forty-five or fifty expects to be retired by the CIA.

15 Q If you can answer this question "yes" or "no"?

16 A I will be glad to.

17 Q Is it one of the traditional or standard cover devices of the
18 used by the CIA, with respect to ongoing intelligence agents
19 to claim that they have retired?

20 A Yes, sir.

21 Q After you retired, as you tell us now, and told us
22 yesterday, from the CIA in '70 you went to work for Mullem and
23 Company, right?

24 A That is correct.

25 Q CIA put you in touch with Mullem and Company.

1 A That is correct.

2 Q Mullem and Company is a CIA front organization, is it not,
3 as opposed to a proprietary organization?

4 A Let me explain. What I found out at the time I accepted
5 employment with the Mullem Company, I did not know they were
6 performing certain cover tasks for CIA. That came to a my
7 attention a couple months later.

8 Q Did you know that before you testified yesterday?

9 A Yes.

10 Q You did not mention that yesterday on your direct
11 examination, did you?

12 A No, I was not asked.

13 Q Did your lawyer know that?

14 A I don't know whether he knew it or not.

15 Q You have not discussed this matter with Mr. Snyder?

16 A No. No reason to.

17 Q What did you discover here? You were a high ranking CIA
18 officer retired and got a job at Mullem. You did not know
19 they were doing work for the CIA? When did you discover
20 Mullem was doing work for the CIA, after you joined them?

21 A A couple months later Bob Mullem told me somebody from the
22 agency would come over, wanted to talk with us, and can't
23 remember who it was.

24 It was one of the senior level people, who said, I
25 think you ought to know we are running a couple of agents out

1 of the Mullem office. And he gave me their names, one or two,
2 and I said, "Fine, no problem."

3 I had no contact with him. He wanted to advised me.
4 It did not affect my work. It was a courtesy that they
5 informed me, and I don't think I am prepared to say anything
6 more about who they were or where their operations were
7 located.

8 Q Why is that?

9 A Why is that? Because as far as I know, those agents may
10 still be there.

11 Q Did you know before you worked for Robert Mullem and
12 Company they had a relationship between Hughes and the CIA?

13 A No.

14 Q You never heard about that?

15 A No.

16 Q Never read any magazine articles about it?

17 A No, never heard of it.

18 Q Have you heard about it since?

19 A I heard a lot of allegations. The Hughes Tool Company did
20 not become a client until just about the time I left the
21 Mullem Company?

22 They came in through Bob Bennet son of the late
23 Senator. They were not a client at the time I was active in
24 the Mullem Company, for the most part.

25 Q What kind of work did Mullem and Company do for the CIA?

1 A As far as I know it provided cover for a couple of
2 individuals located abroad.

3 Q Would you say there was a relationship between the CIA and
4 Robert Mullem and Company?

5 A To the extent described.

6 Q You got your job at Mullem through through the CIA,
7 correct?

8 A The introduction was made by the agency's outplacement
9 branch and I liked to think that I was accepted on the basis
10 of my own credentials. I never heard of the contrary.

11 Q Was that any kind of a clue for you as a career
12 intelligence officer, that Robert Mullem and Company might
13 have had a relationship with the CIA; that the CIA introduced
14 you to them for a job. Was that a clue at all?

15 A Not in the least, because I was given interviews with a
16 number of corporations. Union Carbide, a lot of firms seemed
17 very natural.

4
18 Q You told us yesterday that while you worked for the CIA
19 for many years, you were involved in political actions, is
20 that correct?

21 A I so testified, yes?

22 Written about it extensively, lectured about it.

23 Q Would this be a fair summation of political actions. The
24 subversion of prominent political figures abroad and the
25 overthrow of Governments?

1 A That is certainly involved.

2 Q Is that what you were doing?

3 A I would say I was more heavily involved with funding
4 anti-Communist political parties. On a couple of occasions I
5 had leaders targeted, yes.

6 Q When you testified in the case, U. S. against Erlichman
7 did he, Barker and Martinez, Page 908--Mr. Snyder--you were
8 asked these questions, and did you make these answers:

9 "What type of work had you been generally doing for
10 the Central Intelligence Agency, in excess of twenty
11 years?

12 "Answer. Political actions.

13 "Question. And could you define that just a little
14 clearer for us as to what that means?

15 "Answer: It had to do with the subversion of the
16 prominent political figures abroad. The overthrow
17 of Governments and that sort of thing."

18 You were asked those questions and under oath did you
19 make those answers?

20 A Yes, because that was the truth.

21 Q Tell us about the subversion of prominent political
22 figures abroad you were involved in during that period.

23 A I think we are getting into national security areas right
24 now.

25 I may be wrong, but it seems to me that by virtue of

1 my secrecy oath, there are certain things I still can't talk
2 about, Counselor.

3 Q You refuse to answer that question?

4 A I have not said I refuse to answer it, I say I am
5 concerned that we may now be getting into an area of national
6 security, that I am not permitted to respond to.

7 Q Did you know of a plan to assassinate Patrece Lamumba
8 (phonetic)?

9 A No.

10 Q Do you know who Patrece Lamumba was?

11 A I know who he was.

12 Q Do you know if it was CIA's plan to kill him?

13 A No.

14 Q Do you know if there was testimony in this case by a CIA
15 official that there was such a plan?

16 A I heard it said, but I don't of personal knowledge.

17 Q Did you read the deposition of the former Director of the
18 CIA, Richard Helms taken in this case?

19 A Probably.

20 Q Did he make that statement?

21 A I don't recall.

22 Q I would like you to tell me each of the projects in which
23 you were involved in, where you sought to subvert prominent
24 political figures aboard?

25 What period of time, during the time Mr. Hunt was

1 employed by the CIA, to the period that ended in 1970?

2 Q There is a question pending.

3 A I beg your pardon. I thought you were going to read me a
4 list of materials and I was to respond.

5 A Would you rephrase the question. I misunderstood you.

6 Q I would like you to tell me about your activity regarding
7 the subversion of prominent political figures abroad, each of
8 those figures and how you sought to subvert them?

9 A I supposed the most prominent was Colonel Jacobo Arbenz.
10 An attempt was made to subvert him before the revolution that
11 tossed him out of Guatemala.

12 Q He was the was the President of Guatemala?

13 A The Dictator of Guatemala.

14 Q Was that his title?

15 A I don't recall what he was.

16 Q You don't recollect that name?

17 A I think his only opponent at the prior election had been
18 assassinated. It was a shoo-in for him.

19 Q Was there an election in Guatemala.

20 A Yes, and after the overthrow, too.

21 Q You will have to try to answer my questions. Was there an
22 election in Guatemala in which President Arbenz was elected by
23 the people of Guatemala?

24 A There was.

25 Q Thereafter, did you participate in a campaign to destroy

1 Mr. Arbenz?

2 A To rid Guatemala of his communist revolution and his
3 people. For example, Che' Guevara was one of his advisers.
4 Yes, I participated in it and I am very proud about it.

5 Q What did you do?

6 A I was involved in the psychological warfare activity.

7 Q What did you do?

8 A Prepared radio broadcast brochures, dealt with members of
9 the Guatemalan community in exile, including a member of Mr.
10 Che' Morro--not Che' Morro--one of the publishers of the
11 newspaper there. Worked with the Guatemalan exile movement
12 against Colonel Arbenz.

13 Q Did you fund any activity in Guatemala during that period?

14 A I don't recall that I personally did, at this juncture.

15 Q With activities funded based upon your recommendation?

16 A Either mine or Dave Phillips.

17 Q Who was David Phillips?

18 A David Phillips was a CIA officer who has become prominent
19 as the president of the association of former intelligence
20 officers.

21 Q Former intelligence officers.

22 A That is correct.

23 Q Was there, in fact, a coup in Guatemala?

24 A Well, it was not an internal coup, it was an expulsion of
25 the Guatemalan dictatorship by forces lead by Colonel Carlos

1 Armas.

2 Q Immediately after the expulsion of the forces of Mr.
3 Arbenz, was a dictatorship established?

4 A I was in Japan at the time, I don't recall it ever having
5 been so characterize.

6 Q Have you so testified Mr. Hunt?

7 A That a dictatorship was established in the wake of the
8 Arbenz removal.

9 Q Yes.

10 A My recollection is that a provisional Government was
11 established under Carlos Armas, after which, there was a
12 general election and Armas was elected.

13 Q You never testified that a dictatorship was established
14 because of the activity you were involved in in Guatemala, is
15 that correct?

16 A Not to my recollection, no.

17 Q Who else was a permanent prominent political figure--you as
18 attempted to subvert--before I ask you that question, let me
19 withdraw that.

20 Was anybody killed in this expulsion activity
21 engineered by the CIA in Guatemala?

22 A I don't know. I never heard of a body count.

23 Q You heard some people were killed though, did you not?

24 A I would imagine that a few people got killed, yes.

25 Q Who else did you attempt to subvert? Who was a prominent

1 political figure?

2 A One of the people was Fidel Castro.

3 Q What did you do there?

4 A I was involved in working through intermediate years to
5 persuade Castro to abandon Marxism and become a good friend
6 and ally of the United States. That failed. They went ahead
7 with the Bay of Pigs operation.

8 Q You tried to persuade Fidel Castro to change his political
9 believes?

10 A Through intermediate years.

11 Q How did you do that?

12 A I said through intermediate years.

13 Q Tell us what you did?

14 A Exactly that approach, an intermediate year, and said tell
15 Fidel this is the end of the road, that there is no future.
16 Look what happened to Arbenz.

17 Obviously that approach was unsuccessful. The Bay of
18 Pigs pursued.

19 Q You participated in the Bay of Pigs also?

20 A I participated in it to the extent that I dealt with the
21 Cuban political leadership in exile, yes.

22 Q Do you know Marita Lorenz?

23 A No.

24 Q Never met her?

25 A No.

1 Q Ever hear about her?

2 A I heard about her by virtue of some of her publications.

3 Q Was she involved, to your knowledge, in an effort by the
4 CIA to kill Fidel Castro?

5 A Not to my knowledge, no.

6 Q Was anybody ever involved in an effort by the CIA to kill
7 Fidel Castro?

8 A I suppose so.

9 Q You had discussions with people in the CIA about that
10 matter, have you not?

11 A Well, I don't think the matter ever became much interest
12 to the public until the Church Committee began looking into
13 it. By then, I was long out of CIA.

14 Q Have you ever had discussions with anybody in the Central
15 Intelligence Agency about plans by the CIA to assassinate
16 Fidel Castro?

17 A When I was an active officer?

18 Q Ever, at any time?

19 A I will have to think about that. Offhand, I cannot recall
20 anyone, no.

21 Q You don't doubt there were such plans, do you?

22 A I would hope there were such plans.

23 Q To assassinate Fidel Castro?

24 A Yes.

25 Q In addition to your hope, you believe there were such

1 plans?

2 A Well, to the extent William Harvey and some of the other
3 people indicated that they were, of course, they took the
4 organized crime route, which proved an embarrassment to
5 everyone concerned.

6 Again, this is only hearsay. I was not in the agency
7 at that time or involved with the project.

8 Q Did you testify yesterday, following the removal of the
9 Arbenz Government that the communists were thrown out and a
10 temporary dictatorship took place?

11 A Temporary dictatorship.

12 Q Did you testify to that yesterday?

13 A If that is in the court record, yes.

14 Q Do you recall testifying to it?

15 A No.

16 Q This is yesterday's. You will have to do your own
17 testifying. This is yesterday's transcript, Page 11. The
18 answer is--the beginning at line seventeen. The question:
19 "Of course."

20 A I said the Communists were thrown out. A dictatorship
21 took place, which was supplanted by a democratic election.

22 Q You testified to that yesterday?

23 A Yes.

24 Q Who else would you hope that the CIA is planning to
25 assassinate among world leaders?

1 A I am out of CIA now. How many years, almost fifteen
2 years. My thoughts don't turn in those directions any more,
3 Counselor?

4 I have been trying to lead a peaceable life.

5 Q I heard your testimony a moment ago. You said you hoped
6 that the CIA is planning to assassinate Fidel Castro, did you
7 not? Did I mishear that?

8 A I think so. I think what I was saying I had hoped that
9 they were trying to assassinate him.

10 Q In the past?

11 A In the past.

12 Q Who else among world leaders, had you hoped that the CIA
13 would plan to assassinate?

14 A I don't recall any.

15 MR. SNYDER: Objection. Asked and answered.

16 THE COURT: Sustained.

17 MR. LANE:

17 MR. LANE:

18 Q You don't recall?

19 A I don't recall, no, if any.

20 Q Had you ever hoped that the CIA would assassinate Patrece
21 Lamumba?

22 A No, I did not know enough about Patrece Lamumba to form an
23 evaluation on him.

24 Q Had you ever hoped the CIA would assassinate any of the
25 Soviet leaders?

1 A No. Their system of succession would certainly not
2 guarantee a successor more friendly to the United States.

3 Q But in Cuba, you felt the assassination of Fidel Castro
4 would bring about somebody friendlier?

5 A I felt at the time, coincidence with the Bay of Pigs
6 investigation that it was necessary to chop off the head of
7 the snake so that the Army would lack direction.

8 Q What other activities have you been involved in while you
9 were at the CIA, regarding the subversion of prominent
10 political figures abroad?

11 A Well, depends upon world famous. None, I would say. In
12 different countries where I have operated, I have dealt with
13 prominent local political figures. I am not prepared to name
14 them.

15 Q Who you tried to subvert?

16 A Who I tried to get to cooperate, yes, with the United
17 States.

18 Q I am dealing with your language, Mr. Hunt, not mine?

19 A Deal with it. Subvert. Subvert, fine.

20 Q Your testimony is--we have read it to you, and you said it
21 was your testify in the trial of Mr. Erlichman et al., that
22 your work for twenty years had to do with the subversion of
23 prominent political figures abroad.

24 I would like you to tell us about your efforts to
25 subvert prominent political figures abroad, other than those

1 to which you testified?

2 A I have done so to the extent that I feel, I can.

3 Q Do you have information about others which you are not
4 willing to share with us?

5 A There were labor leaders and political figures who may or
6 may not be alive in Latin America. I don't think I should
7 name them.

8 Q I am asking you if you have information which you are
9 declining to give to us at this time?

10 A It is a very difficult question.

11 Is it possible for me to confer with Counsel?

12 MR. LANE: I would have no objection to that, your
13 Honor.

14 THE COURT: Let's take a recess at this time. I have
15 a matter that will take a half hour, then I have a sentencing
16 at 2:00 o'clock. We will have to work those in. We will try
17 to get with you as quickly as we can. 17 to get with you

18 We will take our recess and let's you be in recess
19 until 1:00 o'clock. It will give you fifty-five minutes for
20 lunch, ladies and gentlemen. During this recess period same
21 instructions, same admonishment I have heretofore given you
22 would be applicable.

23 Any other requested instructions at this time from
24 the plaintiff?

25 MR. SNYDER: No.

1 THE COURT: From the defendant?

2 MR. LANE: No.

3 THE COURT: 1:00 o'clock.

4 (Recess taken until 1:00 p.m.)

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AFTERNOON SESSION

(Call to order of the court.)

(Jury present.)

E. HOWARD HUNT, PLAINTIFF'S WITNESS, RESUMED.

CROSS EXAMINATION (Continued)

BY MR. LANE:

Q You were considering whether you signed a secrecy agreement which prohibited you from answering any further questions about your history of subverting prominent political figures aboard.

Would you rather not answer anything further of those questions?

A It is not a question of my preference. A moment ago, I received instruction from the Office of the United States Attorney in Miami to answer nothing further having to do with covert activity in the Central Intelligence Agency.

Q You testified before the jury in the trial of the United States against Erlichman, et al., you were involved in subverting prominent political figures abroad. Also involved in the overthrow of governments. Which government's were you involved in the overthrow of?

A It is public knowledge that I played a role in the overthrow of the Arbenz government.

Q Did you play the role in other governments?

A Not that I know of.

1 Q You mean it is possible you overthrew a government and
2 don't remember?

3 A I did not say that.

4 Q I know, you said it is not that you can recalling?

5 A That is correct. I may have had a trivial role in some
6 activity whose element impact I was never aware of.

7 Q Can you, think of any activities that you were involved in
8 related to attempting to overthrow governments other than the
9 Arbenz government?

10 A No, with the sense of the Castro Government.

11 Q Are there areas that you went into on direct examination
12 that you cannot goes into on cross examination because of this
13 instruction from the United States Attorney's office?

14 A I could not make a blanket statement on that. I think we
15 will have to see what we come to.

16 I certainly stand by anything I said on direct
17 examination. I think each question has to be decided on its
18 own merits. Is that fair enough?

19 Q You testified yesterday and you testified today thinking
20 back of your testimony yesterday, and your direct examination
21 today, are there any areas that you testified to that you
22 cannot discuss in detail because of the direction you just
23 received from the United States attorney's office?

24 A Well, there may be, I cannot say until I here the question
25 Mr. Lane.

1 Again, I will answer you to the best of my ability
2 within the instructions that I have received.

3 Q Perhaps you don't understand my question. My question is
4 not about any question I might ask you, but whether there are
5 any areas that you testified to on direct examination, which
6 was just yesterday and this morning, which areas you cannot go
7 into more fully because of the instruction from the United
8 States attorney's office.

9 MR. SNYDER: Objection this is the third time--

10 MR. LANE: We don't have an answer yet.

11 THE COURT: Just stand and make an objection.

12 Objection sustained. Go to the next question.

13 BY MR. LANE:

14 Q Did you go to the U. S. attorney's office and ask for
15 advice as to whether you could continue to testify?

16 A No, I did not, Mr. Lane.

17 MR. SNYDER: Objection.

18 THE COURT: Objection sustained. Next question.

19 BY MR. LANE:

20 Q Did you carry fake identification papers during the period
21 of time you worked for the CIA?

22 A Yes, I did, indeed.

23 Q You used different names while you worked with the CIA?

24 A That is correct.

25 Q You have some code names?

1 A Well, code names, yes. Operational aliases, yes.

2 Q Was Edwardo one of the names that was used by you?

3 A He was an organizational alias used only during the Bay of
4 Pigs operation. That is in my book about the Bay of Pigs.

5 Totally covert operation.

6 Q Totally what?

7 A Overt information, public knowledge.

8 Q It was not at the time you were using it, was it?

9 A It was public knowledge in the Miami area. I used the
10 code name Edwardo, yes.

11 Q During what period of time did you use the code name
12 Edwardo?

13 A From about 1959 until, oh, roughly March of 1961.

14 Q When was the first time you saw that published anywhere
15 that you used that code name Edwardo?

16 A I suppose that in a variety of press reports about the
17 United States Government representation down here, that my
18 name appeared, the Edwardo name appeared, before the Bay of
19 Pigs invasion.

20 Q Could you give us an approximate day?

21 A I am not prepared to do that. I will say before the Bay
22 of Pigs invasion, Counselor, is as close as I can come to it.

23 I left the Miami area in March of 1961, and did not
24 come back to it for many years.

25 Q Did you ever tell Mr. Barker that the operation in Dr.

1 Fielding's office--that is the break-in to Dr. Fielding's
2 office was a CIA operation?

3 A No.

4 Q Did you ever tell Mr. Barker that you were still with the
5 CIA during that operation?

6 A No.

7 Q Did you ever tell Mr. Barker that you were working for the
8 CIA and you simply had been positioned at the White House by
9 the CIA?

10 A No.

11 Q On July 1, 1974, in your testimony in the case of United
12 States of America against Erlichman and Liddy, Barker and
13 Martinez were these questions asked of you, and did you make
14 these answers, Page 19.

15 "Question. Mr. Hunt, is it not true that at a time
16 after the September 3rd entry operation concerning Dr.
17 Fielding's office, Mr. Barker told you that he had assumed at
18 the time that you were still with the CIA, and simply being
19 positioned at the White House by the agency?

20 "Answer. Do you have a particular time frame for
21 that Mr. Schultz?

22 "Question. No, I don't.

23 "Mr. Hunt, it comes from one portion of your
24 testimony

25 and in that previous testimony, no time frame was

1 given.

2 "Answer. There came such a time."

3 Do you recall that testimony?

4 A No, I don't, but, as I recall, what you read to me unless
5 you want--may I have that?

6 Mr. Barker's perception was that I was with the
7 agency.

8 Q One thing at a time. If you don't recall this, I will
9 show it to you.

10 I am showing you now Defendant's Exhibit D, on Page
11 19?

12 A Is there a pending question.

13 Q I am asking you to read that?

14 A I read it.

15 Q After looking at that, does that refresh your recollection
16 that those questions were asked of you, and you gave those
17 answers.

18 A Yes, but they are not the questions you asked me.

19 Q "Yes" or "no" questions.

20 MR. SNYDER: Let him explain--

21 MR. LANE: I have more questions and you will have.

22 Counsel, on the other too, said will have redirect.

23 THE COURT: Did you have an explanation of your
24 answer?

25 THE WITNESS: I wanted to continue, but he cut me

1 off, your Honor.

2 THE COURT: You may continue your answer.

3 MR. LANE: The question was whether or not this
4 refreshed his recollection. He said, "Yes." That is a total
5 answer. There are other areas one can comment on and move
6 into those.

7 THE COURT: May be you misunderstood the question.
8 The only question pending is: did it refresh your memory?

9 THE WITNESS: They did refresh my memory.

10 BY MR. LANE:

11 Q Do you know why Mr. Barker might have assumed that you
12 were still with the CIA and simply be positioned at the White
13 House?

14 A No, I don't.

15 Q Is it true that the CIA does not engage in surreptitious
16 operations within the continental U. S. normally?

17 A That is perfectly true.

18 Q Is it true that there had been some exceptions to that
19 normal rule?

20 A I only heard of one such exception.

21 Q Did you ever testify that you have known of exceptions,
22 plural?

23 A May be at the time I did. I have no recollection of so
24 testifying.

25 Q Page 20, the same exhibit, your testimony--was this

1 question put to you and did you make this answer.

2 Your testimony on Friday, Mr. Hunt, you testified in
3 connection with why this Soviet agent was set up, this
4 purported traitor, that normally the CIA does not engage in
5 surreptitious operations within the continental U. S.

6 I believe, that is a direct quote.

7 "Does your choice of words normally indicate that
8 there are exceptions to that?

9 "Answer. I have known of exceptions."

10 Does that refresh your recollection.

11 A Yes, and I recall what they are and I am prepared to state
12 it.

13 Q What are they?

14 A There was one instance that came out in the course of
15 Watergate at the time the Church Committee was working over
16 the agency. An employee's home had been entered somewhere in
17 the northern Virginia area, that was one instance. The second
18 instance was a home in Georgetown was entered and a large
19 variety of secret documents were found. That resulted in a
20 suit by the individual whose home was entered against Director
21 Helms.

22 Those are the only two instances I know of.

23 Q I think you testified yesterday that you picked up a wig
24 in order to go on a mission, is that correct?

25 A Yes. White House instruction was I use--I was asked to

1 use personal disguise when I interviewed Dita Beard, in
2 Denver, Colorado.

3 Q Did you use a disguise when you went to L.A. regarding the
4 Fielding break-in?

5 A I don't recall that I did. Mr. Liddy had an altering
6 device and we were both issued, can I say, specific altering
7 devices that were being field tested by us at the request of
8 the Technical Services Division. I don't recall any wig. May
9 have been.

10 Q Who did you talk to before going to see Dita Beard?

11 A What you mean, from the agency from the White House.

12 Q Agency, from the CIA?

13 A My initial contact was General Robert Cushman, who was the
14 then Deputy Director of the Central Intelligence Agency.

15 He was told to expect me by Mr. Erlichman. I
16 requested certain items of personal disguise for Mr. Liddy and
17 myself.

18 Q Did that meeting take place in a safehouse, CIA safehouse?

19 A No, it took place in General Cushman's office, CIA
20 headquarters and was tape recorded by him.

21 Q Was anything provided for you other than a wig, any
22 disguise?

23 A I indicated that there was a specific altering; device, a
24 gait altering device. In due course my relations with TSD, I
25 got a Uhr tape recorder and a microphone for personal

1 interviews. The brown wig may have been, some identity cards,
2 other than that, I cannot think of anything.

3 Q When you received the tape recorder, was that given to you
4 at a safehouse.

5 A Yes, it was.

6 Q Do you recall a meeting with Dr. Malloy, on August 12,
7 '71? Again, if you have any question about it, I will be
8 happy to show you the transcript?

9 A I remember Dr. Malloy. I cannot remember his first name.

10 But what year was that?

11 Q On August 12, 1971?

12 A '71. I remember meeting with him, but I could not say
13 whether it was CIA headquarters or in the White House, or in
14 the third place.

15 Q Did you tell him anything about an effort to try Daniel
16 Ellsberg in the press?

17 A Probably, but what we wanted specifically from Dr. Malloy
18 was a psychological profile of Dr. Ellsberg.

19 Q Did you work out a plan regarding what you would do or
20 what would be done under your direction when a team entered
21 Dr. Fielding's office?

22 A Well, I must have, but at this reach in time, I cannot
23 recall what it was.

24 Q Did you request that someone trained by the CIA, who had
25 the ability to break open locks or drawings, should be added

1 to your team?

2 A Requested of CIA?

3 Q Yes.

4 A I may have. Again, I have no recollection of it.

5 Q Was any contact made on your behalf, that you know of, to
6 get a lockman, you know what a lockman is, have you heard that
7 phrase before.

8 A Yes, we had one.

9 Q What is a lockman?

10 A It was locksmith.

11 Q Did you make any arrangements to have a lockman assist the
12 team that was going into Dr. Fielding's office?

13 A If I did, it was not successful, because they ultimately
14 opened the file cabinet with a crowbar.

15 Q Did you make any arrangements to have bail money and
16 lawyers available before the Fielding entry?

17 A Yes.

18 Q Was that because you felt they would be committing a
19 crime?

20 A It seemed a prudent measure to take. We had--I had no
21 particular contact with the L.A. County police. It seemed the
22 height of prudence for a team leader to do that.

23 Q Did you make contact with a CIA lawyer in L. A.?

24 A No.

25 Q Did you make contact with a lawyer in L. A, who had a

1 prior association with the CIA?

2 A That is correct.

3 Q What is his name? _

4 A Morton B. Jacobson, Jr. who was a Naval Academy classmate
5 of mine.

6 Q Do you recall testifying in the Mitchell case, U. S.
7 against Mitchell and Watergate case on October 29, 1974?

8 A Yes.

9 Q Do you recall testifying?

10 A Yes, I do.

11 Q Do you recall discussing with counsel in that case, during
12 your testimony, the question of blackmail?

13 A No.

14 Q Or extortion?

15 A No.

16 Q Do you recall this colloquy between you and counsel?

17 A Excuse me. Between me and who.

18 Q Counsel?

19 A My counsel?

20 Q The attorney who was questioning you at that time.

21 "Question. Besides protecting these people in the
22 White House, you were also blackmailing them, were
23 you not, Mr. Hunt?

24 "Answer. At no time, at no time, no, sir.

25 "You don't consider your comments to disclose the

1 seamy things you did for the White House, unless you
2 got fifty and sixty and seventy-two thousand
3 dollars. You don't consider that blackmail?

4 "No, sir.

5 "What do you consider it, investment plans?

6 "I considered it, if you will, in addition to the
7 bill collector attempting to get others who made a
8 prior contract to live up to it.

9 "Question. You don't feel that you were selling your
10 silence?

11 "Answer. That is a different matter. That is not
12 blackmail."

13 Do you recall that colloquy; those questions and
14 those answers?

15 A I recall them, but I am very interested to hear them.

16 Q I will show them to you.

17 See if it refreshes your recollection, when you see it.
18 I am showing you Defendant's Exhibit E for
19 identification, starting at Page 43, and directing your
20 attention to that page and the next page.

21 A Can't find out who is supposed to be questioning me.

22 Can you tell me who is supposed to be questioning me.

23 Q I don't know, Mr. Hunt, that is all I have. A certified
24 copy by the custodian, but that is an inaccurate copy?

25 A It is six different attorneys here and no identification.

1 Q I am asking you if you made those answers?

2 A It would have been helpful to me, Counselor. I am not
3 fooling around here.

4 The reason I ask is if I had known, if I can tell who
5 was asking me the questions, I might be able to get it in to a
6 better context. If there is no identification, I will proceed
7 to refresh my memory on the basis of what I have.

8 Q If you don't recall the questions and answers that is
9 perfectly all right. I am asking you if this refreshes your
10 recollection, that that colloquy took place?

11 A It turns out it was Mr. Hundly.

12 Q My question is-- my question is: Do you recall that
13 question?

14 A I do.

15 Q Do the figures referred to during that colloquy, and I
16 quote again from that question, which has the figures:

17 "You don't consider your comments to disclose the
18 seamy things you did for the White House, unless you
19 got fifty and sixty and seventy-two thousand
20 dollars. You don't consider that blackmail?"

21 Does that refresh your recollection as to how much
22 money you were are asking for your silence?

23 A No it does not, and I don't know that that has been
24 authenticated either, may be. There was some very specific
25 commitments made and they were not being kept.

1 Q What were the commitments?

2 A To pay a certain amount of money and support or legal fees
3 over a particular period of time.

4 Q How much was it committed for?

5 A I don't know, Counselor. Whatever it was going to cost
6 Mr. Dean ran around--the White House saying a million dollars.
7 The sky was falling in. A million dollars. May be it would
8 have come to apply, over a period of three years, for six or
9 seven families.

10 Q You have no recollection of are asking for \$50,000 or
11 \$60,000 or \$72,000?

12 A Whatever was owed is what I asked for. Whatever had been
13 promised was all that I ever asked for.

14 Q My question is quite specific: Do you recall are asking
15 for 50,000 or 60,000 or \$72,000?

16 MR. SNYDER: Objection, your Honor.

17 THE COURT: Grounds.

18 MR. SNYDER: Asked and answered.

19 THE COURT: Sustained.

20 MR. LANE: The answer was: Whatever was owed, which
21 is not an answer to that question.

22 THE COURT: I think he answered your question. Go to
23 your next series the questions.

24 BY MR. LANE:

25 Q Did you ever state that the assistant prosecutor in

1 Watergate asked you to commit perjury?

2 A Who was the assistant prosecutor.

3 Q That is my question, did you ever make the statement that
4 an assist prosecutor had asked you to commit perjury?

5 A If you can refine that down to maybe twenty assistant
6 prosecutors.

7 Q Did any of them ask you to commit perjury?

8 A I don't recall. I thought so. It was my perception at
9 one time that one of them was moving me in that direction. I
10 was later advised by counsel that was not the case.

11 Q Which one did you think was moving you in that direction?

12 A I think it was Mr. Neal.

13 Q Did you write that in the galley for a book?

14 A I don't recall. If it appeared in the draft of the book,
15 it was never published.

16 Q I am going to read some questions to you from Defendants
17 Exhibit E which is part of the transcripts of Tuesday, October
18 29th, your testimony in the Mitchell case. Page 4,500.

19 "Mr. Benvanesty: This is exhibit No. 10 for
20 identification, Mr. Erlich.

21 "The Court: All right.

22 "By: Mr. Benvanesty: I think it is page 234. I may
23 be

24 wrong.

25 "Answer. Page 324.

1 "Question. Page 324, I am sorry.

2 "Answer yes.

3 "In the book, that passage does not appear does it?

4 "Answer it does not.

5 "But the reference to statements where I repeatedly
6 questioned you much earlier in our association of
7 about whether you received any clemency or executive
8 intervention, is that correct?

9 "Answer. That is correct.

10 "Now, when you repeatedly were being questioned about
11 this, Mr. Hunt, were you telling the truth, or were
12 you not telling the truth?

13 "Answer I was not telling the truth.

14 "Question. In fact, you were not telling the truth
15 about the fact that you had received a call from Mr.
16 Colson, that you expect to be out of prison
17 Within a year by the next Christmas. Is that
18 correct?

19 "That is correct.

20 "And when were you telling the story that did not
21 comport with that, you met with some skepticism on
22 the part of the people requesting. Is that correct?

23 "Answer: Very definite skepticism.

24 "When you wrote in the--when you wrote that in the
25 galley was that an attempt to mistate the facts?

1 "Answer. It was.

2 "Question. Now, have I ever had any conversation
3 with you about what appeared in the galley, that
4 means the printed pages before the book was
5 published?

6 "No, sir.

7 "Did I, as far as you know, have any conversation
8 with your attorneys about that?

9 "No, sir.

10 "When did you change delete that statement from the
11 book?

12 "Answer. Some time over the summer.

13 "Question. Over this past summer?

14 "Answer. Yes..

15 "Question. Well, before you received your final
16 subpoena?

17 "Answer. I cannot place it with that degree
18 of accuracy, sir.

19 "Before you even met in connection with this trial?

20 "Yes.

21 "When did we met in connection with this trial, Mr.
22 Hunt?

23 "Answer. In mid-September, the 20th to the best of
24 my recollection.

25 "Question.. Well before it was deleted from the book?

1 "Answer yes, sir.

2 "Was that deleted from the book because you and your
3 attorneys agreed that it was untrue?

4 "Answer. Yes, sir. ;

5 "Question. Had there ever be any attempt to
6 suborn perjury from you, Mr. Hunt?

7 "No, sir."

8 Do you recall that exchange?

9 A Yes, I do.

10 Q Was there a reference in your manuscript later printed in
11 the galley that there was an effort to suborn perjury from
12 you?

13 A The affect of it was that I don't recall if I said suborn
14 perjury, but that was the an effect of it, yes.

15 Q Was that statement true?

16 A It was not a true statement. It was not published.

17 Q When did you tell your publisher you wanted to have that
18 removed?

19 A After my attorney examined the galley, the plan you
20 described and told me to change it. As simple as that.

21 Q Was that in '74?

22 A '74.

23 Q Do you recall that that could have played any part in
24 publishers in the future being reluctant to publish books you
25 had submitted?

1 A No, I cannot think of it that way for a moment.

2 Q Do you recall testifying on October 29, '74, in the
3 Mitchell case and being questioned by Mr. Fritest--do you
4 recall being questioned by Mr. Fritest at all?

5 A Yes.

6 Q This is Defendant's Exhibit F that I am showing to your
7 attorney now.

8 And directing your attorney's attention to Pages
9 4375 and the two pages that follow. Those are the areas I
10 will be questioning you about.

11 Do you recall being asked these questions and making
12 these answer:

13 "By Mr. Fritest: On that date which is October 29,
14 1974:

15 "Question. Would you read that marked portion from
16 your book, Mr. Hunt, to his Honor and the
17 jury?

18 "Answer. From Page 277 on November 7th, I voted in
19 the national elections at my home town
20 of Potomac, Maryland. On the following day, I,
21 accompanied Bitman went to the United States
22 Courthouse, where I was aloud to examine evidence
23 that had be seized from my violated White House
24 safe. I surveyed the seized material from my
25 operation. Operational notebook, files and

1 telephone log, but about did not find them. Bitman
2 asked Silbert if he was holding them in another
3 area, but Silbert declared what I had received was
4 all there was. It was sufficient to convict me, but
5 any material that could have been used to construct
6 a defense for me, was missing. My operational
7 notebooks, telephone listings and documents in which
8 I recorded the progress of Gemstone from its
9 inception mentioning Liddy, three principals by
10 name, Mitchell, McGruder, and Dean.

11 "Question. Is that a correct statement or a false
12 statement, Mr. Hunt? Take your time if you would
13 like to read it over again. I am sure his Honor
14 Will give you the time.

15 "Answer. Yes. Let me read the full portion.

16 "Question. The false portion of that one paragraph
17 you just read?

18 "Answer. Yes. Quote, documents in which I recorded
19 the progress of Gemstone from inception mentioned
20 Liddy, three principals by name, Mitchell, McGruder
21 and Dean.

22 "Question. Is that completely false?

23 "Answer. Yes."

24 Do you recall that exchange?

25 A I do.

1 Q In fact, had that portion which you had written your book
2 been completely false?

3 A The portion that was read, yes.

4 Q Do you think the fact that this was published in 1974
5 would have lead any of the publishers subsequently to decline
6 to publish any of the other books written by you.

7 A No, I don't.

8 Q Do you recall being asked why you put that false material
9 in your book?

10 A No, I assume it was.

11 Q "Question. Page 4377.

12 "All right, sir, tell his Honor and the jury why you
13 put that false statement in that book?

14 "Answer. I put it into support the position that I
15 had been maintaining for year or a year and a half.

16 "Question. Have you made any attempt to correct that
17 statement?

18 "Answer. No, sir the book is not yet published
19 officially.

20 "Did you correct that statement?

21 "Answer. I don't recall. If time remained, I did,
22 yes. If it was not remaining time, I did not."

23 Did you ever tell the prosecutors that you would make
24 false statements about certain things if they wanted you to?

25 A Yes.

1 Q What did you tell them you would make false statements
2 about? *

3 A Anything they wanted me to.

4 Q Did you tell Mr. Ganser that you would make false
5 statements if they wanted you to--if he wanted you to?

6 A I may have. He was in the room, Mr. Silbert, Mr. Glanser
7 and Neal were present at that exchanges.

8 Q Was Mr. Heyman, H-e-y-m-a-n there?

9 A I don't recall Mr. Heyman being there, no.

10 Q Did you ever tell Mr. Glanser you would lie about certain
11 things if he wanted you to?

12 A I thought I said that to Mr. Neal, who was his superior.
13 I was really saying that sarcastically at the time.

14 Q Did you deny you had ever made that statement when you
15 testified in the Mitchell case, the statement you just made
16 here?

17 A Did I deny I made it?

18 Q Yes.

19 A I don't recall that I was ever asked it.

20 Q Page 4433:

21 "Question, you told Mr. Glanser and Mr. Heyman you
22 would lie about certain things if they wanted. It
23 isn't that a true answer?

24 "I recall no such statement."

25 Does that refresh your recollection about what you

1 told the jury then?

2 A Obviously, it does.

3 Q Now, you are telling us you did tell some of the
4 prosecutors that you would lie if they wanted you to?

5 A That is correct.

6 Q You did not tell the truth to the jury?

7 A I told the truth to the best of my ability at that time,
8 within my powers of recollection.

9 Q That was in 1974 and your recollection about what took
10 place in '73, is it clearer now in '85 than it was in '74?

11 A Again, I recall the colloquy with Mr. Neal. As I say,
12 with Mr. Glanser and Mr. Silbert being present.

13 I don't recall Mr. Heyman being present, but we may
14 have be talking about two different things.

15 Q Did Mr. Neal or Mr. Glanser and Mr. Heyman ever tell you
16 that they did not want you to lie about anything?

17 A They said so, incidentally.

18 Q Do you recall making a false statement to the Grand Jury
19 about a memo?

20 A Not in particular, no. What memo?

21 Q I will read some questions and answers, and perhaps it
22 will refresh your recollection. Page 4434 of Defendant's
23 Exhibit F, which is the same transcript regarding your
24 testimony against Mr. Mitchell, and others.

25 "Question. You testified this memo was written

1 here yesterday , did you not, yes, sir? Do you
2 recall testifying before the Grand Jury that
3 no such memo was written?

4 "Yes, sir.

5 "Do you remember appearing before the Grand Jury and
6 testifying no such memo was written?

7 "Yes, sir.

8 "On several occasions?

9 "Yes, sir.

10 "Question and each time you testified that no such
11 memo was written before you gave such testimony.
12 You raised your hand to God and took an oath just as
13 you did here, did you not?

14 "Yes, sir.

15 "Question. Each time you said, 'there was no memo,'
16 was an at a time after July 3, 1973, when you told
17 the told the prosecutors you wouldn't lie, isn't
18 that true?

19 "Yes, sir.

20 "So you told the prosecutor you wouldn't lie and you
21 did lie.

22 "Yes, sir.

23 "And you lied under oath?

24 "Yes, sir. It was part of the cover up at that
25 time."

1 Does that refresh your recollection about that
2 exchange and about a memorandum?

3 A Yes, but I don't know what memorandum they are talking
4 about. I would need refreshment on that if it is important.

5 Q Did you testify falsely on several occasions about more
6 than one memorandum before the Grand Jury?

7 A I have no recollection of, frankly, of testifying before
8 any--about any memorandum before the Grand Jury.

9 So I would appreciate your identifying it, if you
10 could.

11 Q I show you these pages which I just read to you and ask
12 you if you except this as an accurate transcript of your
13 testimony in the Mitchell case.

14 Do you accept that as an accurate transcripts of your
15 testimony?

16 A I do.

17 Q At the time you gave this testimony were you telling the
18 truth to the jury?

19 A What year are we talking about.

20 Q The Mitchell trial?

21 A 1974 yes, I was telling the truth.

22 Q October 29, 1974?

23 A Yes.

24 Q So it is then your present testimony that you lied about a
25 memorandum to the Grand Jury on several occasions, is that

1 correct?

2 A I have to say, I don't know what memorandum we were
3 talking about, and I don't recall lying about any memorandum
4 to the Grand Jury. I recall something called a Parkinson
5 Memorandum, if that is what we were talking about. That is a
6 different matter.

7 Q I am not talking about anything. I am reading your
8 testimony you told?

9 A You have the advantage over me. You were at the trial
10 yourself. This is what, fourteen years later. I cannot
11 recall.

12 Q I don't want to take advantage have you. You were at the
13 trial. I was not. Here is the entire transcript I have. I
14 want you to take your time and read it over slowly and as
15 carefully as you wish. I don't want you to feel I am taking
16 advantage have you.

17 A I see these are discontinuous pages.

18 Q We did not bring in truck loads--the entire Watergate
19 testimony. Just the portions that appear to be relevant to
20 your testimony here. These are excerpts.

21 You have stated that had you accept this Exhibit 6 as
22 an accurate transcript of your testimony during that period
23 of the Watergate trial, is that correct?

24 A Yes.

25 Q In these pages you have read, that you have told the jury

1 in that case, that on several occasions you lied to the Grand
2 Jury about a memorandum, is that correct?

3 A Yes.

4 Q And that statement which--those statements that you made
5 about lying to the Grand Jury are truthful, is that correct;
6 that you did, in fact, lie to the Grand Jury about the
7 memorandum?

8 A At the trial in '74 I acknowledged that I had lied
9 previously about a particular memorandum.

10 Q Is it your testimony now that you do not even recall which
11 memorandum it is that you lied repeatedly to the Grand Jury
12 about?

13 A The only thing that comes to my mind is the famous
14 Parkinson Memorandum.

15 Q Did you lie to the Grand Jury about that?

16 A I don't remember. There was only one memorandum I can
17 recall of Watergate and that was that.

18 Q That is your best answer?

19 A My best answer.

20 Q I am giving to Mr. Snyder, Defendant's Exhibit G for
21 identification which is your testimony or part of your
22 testimony before the United States of America against John
23 Mitchell, on Friday, November 22, 1974.

24 Do you recall testifying on that date before the jury
25 in the Mitchell case? I am showing you Defendant's Exhibit G.

1 See if it refresh your recollection?

2 A Friday, November 22nd.

3 Q Do you recall having written, at any time, documents which
4 contained the statement: "The Watergate bugging is only one of
5 a number of highly illegal conspiracies engaged in by one or
6 more of the defendants at the behest of senior White House
7 officials. These as yet undisclosed crimes can be proved."

8 Do you recall ever writing that?

9 A I have a recollection of it. I think it was a reminder I
10 sent to Mr. Colson, possibly.

11 Q When did you send that to Mr. Colson, if you recall?

12 A After the death of my wife--probably before I entered
13 prison.

14 Q Was that in reference to requests for you for sums of
15 money.

16 A Yes, definitely.

17 Q Were you saying to the White House that you had
18 information about highly illegal conspiracies engaged in by
19 one or more of the Watergate defendants at the behest of help
20 of senior White House officials and these undisclosed crimes
21 could be proved, and they better pay you the money you asked?

22 A And they were proved.

23 Q Is that what you were saying, these could be proved; you
24 had the information; you were--they were undisclosed and they
25 had better give you the money?

1 A They had better keep there promise. That's right. My
2 last gasp trying to keep my family intact before I went to
3 prison.

4 Q Is that blackmail?

5 A No.

6 Q What is blackmail?

7 A Blackmail is the extortion, as I understand it, which is
8 trying illegally to obtain that which is not your due. That is
9 the operative word, all these sums described had been promised
10 at the outset of Watergate, and the principals had fallen by
11 the way side, and we had--we were the ones who were left
12 exposed and in prison.

13 Q Are you an attorney?

14 A No, I am not.

15 Q Would you accept that it is the rule of law in this
16 country that extortion, which you are quite correct, is the
17 technical and correct term for blackmail, is an effort to
18 secure something which whether it is due to you or not, try to
19 secure through extra legal methods?

20 A I never heard that definition of it until now.

21 Q Have you ever read any law book where the crime extortion
22 is defined?

23 A I looked it up in the Webster dictionary, in the large
24 one, yes.

25 Q How about Blacks Law Dictionary.

1 A No, I don't have access, Websters.

2 * THE COURT: I have another matter I have to take up.

3 (Recess taken.) -

4 (Jury left.)

5 (Jury entered.)

6 BY MR. LANE:

7 Q During the recess, I went to the library on the second
8 floor of this building and I got from it Webster's Third
9 International Dictionary, unabridged which has 2,662 pages.
10 Perhaps that is the one you were referring to.

11 I have copied Page 806 which has the definition of
12 extortion. I think you said you read it in here. It is
13 Defendant's Exhibit 8 for identification, and ask you if you
14 can read that and see if that is what you read in the big
15 Webster dictionary?

16 Have you finished reading that definition of the word:
17 extortion, to extort?

18 A Extort is what I am starting to read.

19 Q Tell me when you finish reading?

20 A I shall.

21 I am with you.

22 Q Is that what you read read?

23 A Can't have been this, because the distinctive phrase I
24 recall was something which is not once due you. That does not
25 appear here.

1 Q It does not appear?

2 A It does not appear hear, no.

3 Q By this Webster's unabridged dictionary definition, you
4 would agree, then that you were involved in extortion, is that
5 correct?

6 A There are a variety of meanings to extortion. If you will,
7 give the particular meaning we will construe it together.

8 Q Let's read it from the dictionary. Extort, I will read
9 the first definition.

10 "To obtain from an unwilling or reluctant person by
11 physical force and intimidation or abuse of legal or official
12 authority; to get by compelling; to elicit someone unwilling
13 by the obvious or apparent intrinsic compelling force."

14 Under those definitions were you involved in
15 extortion?

16 MR. SNYDER: Objection, that calls for a legal
17 conclusion.

18 THE COURT: Sustained.

19 BY MR. LANE:

20 Q The library has got the Florida Statutes annotated and
21 Section 83.05 laws of the State of Florida, define extortion
22 as a follows:

23 MR. SNYDER: I object to this.

24 MR. LANE: I want to read the question. He can have
25 an objection after I the read the question.

1 THE COURT: I don't know what he wants to say; what
2 at this time is it.

3 MR. SNYDER: Mr. Hunt was a resident of another
4 state, and the crime took place in another state. It has no
5 relevance at all.

6 THE COURT: I don't know until hear the question.

7 Go ahead.

8 BY MR. LANE:

9 Q 8P36505 treats extortion.

10 "Whoever, either verbally or by written or printed
11 communication maliciously threatens to accuse
12 another of any crime or offense; or by such
13 communication maliciously threatens an injury to the
14 person, property or reputation of another; or
15 maliciously threatens or exposed another to disgrace
16 or to expose any secret affecting another; or to
17 impute by defamaty or lack of chastity to another
18 with intent to extort money or any pecuniary
19 advantage whatsoever; or were the intent to compel
20 the attorney or person so threatened, or any other
21 person to do any act or refrain from doing an act
22 against his will; shall be guilty of a felony of the
23 second degree as provided by the three statutes
24 cited by number."

25 Have you heard that definition of extortion?

1 A No. Not until you read it.

2 Q By that definition would your communication to Mr. Colson,
3 which said in essence you are aware of highly illegal
4 conspiracies, at the behest of White House officials that are
5 provable, and which you know about, and which you would, in
6 essence reveal unless you are are paid money.

7 Would that be extortion?

8 MR. SNYDER: Objection.

9 THE COURT: Sustained.

10 MR. LANE: If I may. He said that the statement that
11 he had blackmailed someone was untrue, and when it appeared in
12 Spotlight it was false.

13 THE COURT: It has nothing to do with the Florida
14 Statute. Florida statute has nothing to do it. It has no
15 relevancy.

16 MR. LANE: Is it not a standard statute for extortion
17 everywhere in the United States, in terms of the Federal law
18 as well.

19 MR. SNYDER: Objection.

20 THE COURT: Sustained.

21 MR. LANE: We will bring in the Federal statute.

22 BY MR. LANE:

23 Q In that letter where you made reference to the highly--the
24 illegal conspiracy, did you have some specifics in mind?

25 MR. SNYDER: Objection. That has been asked three

1 times now.

2 * MR. LANE: No it has not even be asked once.

3 THE COURT: Overruled.

4 BY MR. LANE:

5 Q Did you have any specifics in mind?

6 A At that time, the Fielding entry operation had not come
7 into public view, and that was principally in my mind.

8 Q In the letter you said--or in the memo you said the
9 Watergate bugging is only one of a number of highly illegal
10 conspiracy session. When you said, one of a number of highly
11 illegal conspirators, were you referring to only one besides
12 Watergate?

13 A Well, I think the Dita Beard affair had been referred to
14 as a conspiracy.

15 Q Was that illegal?

16 A In some quarters.

17 Q Dita Beard, Fielding?

18 A Fielding, and that is all that comes to mind?

19 Now, I am not sure what I had in mind at the time. I
20 was on the verge of going to prison, and my thinking was very,
21 very disturbed at that point.

22 Q Was the Dita Beard affair, in terms of your involvement,
23 the result after highly illegal conspiracy?

24 A Certainly that construction could be placed upon it.

25 Q Were you placing that construction upon it when you wrote

1 this memorandum?

2 A I must have been.

3 Q What did you do that was illegal in the Dita Beard thing?

4 A I did not do anything illegal.

5 Q What was the illegal acted?

6 A The illegal acted had to do with what Mr. Colson was
7 trying to get here, to say, which was in effect, to tell other
8 than the truth.

9 Q You did not mention that yesterday, did you?

10 A The Dita Beard affair is well known. I said, "Let's go
11 over what I said yesterday." I said, "I gave her a set of
12 questions that had been given to me. I took back the answers
13 to Washington."

14 Q You testified I think--

15 A That is what I said, exactly.

16 Q Are you finished?

17 A Finished.

18 Q Is it not true, yesterday you testified, I believe, that
19 three set questions were given to you, is that correct?

20 A Yes.

21 Q And you were supposed to question Dita Beard and come back
22 with answers to these three set questions?

23 A Yes, that's correct.

24 Q Was that, in your view, an overt act regarding an illegal
25 conspiracy.

1 A Yes, it was.

2 Q Tell us what the illegal conspiracy was.

3 A To have her answer in a public forum under oath other than
4 what she believed to be true.

5 Q Did you wear a disguise for that operation?

6 A I did.

7 Q Why was that arrangement at Mr. Colson's request.

8 What was the purpose of the disguise?

9 A To disguise the fact I was working for the White House.

10 Q Did you meet with Dita Beard?

11 A I did.

12 Q Did you tell her what your name was?

13 A I gave her an operational alias.

14 Q What name did you give her?

15 A I cannot remember at this point.

16 Q Do you have identification for that name?

17 A May have.

18 Q Did you use a voice altering mechanism?

19 A I don't think so.

20 Q Besides the brown wig, not a red wig, but a brown wig, you
21 testified, was there any other disguise you used?

22 A Can't think of anything, now.

23 Q Did you meet with her?

24 A I did.

25 Q Did you talk with her?

1 A I did.

2 Q Did you tell her to make a statement, other than that
3 which was true? -- --

4 A I did not.

5 Q What did you say to her?

6 A I read the list of three questions to her, copied down her
7 answers and conveyed them by telephone to Mr. Colson.

8 Q In what fashion was that then, in an effort to carry out
9 an illegal conspiracy to have her make a statement which was
10 not true?

11 A It was my understanding that based on her replies to
12 these questions, Mr. Colson had further plans with regard to
13 Dita Beard and her possible future Federal testimony.

14 Q Did he tell you about those plans?

15 A He did not, no.

16 Q Did anyone tell you?

17 A No, but there was a sort of a war-room setup around the
18 White House in those days.

19 Q A war room?

20 A To handling the Dita Beard problem.

21 Q The war room for a domestic question?

22 A I am using the term very loosely.

23 People who were interested in the Dita Beard problem
24 were groomed in one particular area of the White House.
25 People came and went ultimately from that. I flew off to

1 Denver to meet with Dita Beard.

2 Q How did you come do this understanding; this was somehow
3 related to a highly illegal conspiracy?

4 A Because I am not unintelligent. I suppose I might say the
5 atmospherics, the particular interest, the question of
6 typewriter identification was involved.

7 The photographs of Jack Anderson's secretary, who was
8 involved with Dita Beard in some fashion, all these things
9 suggested to me that there was going to be a conspiracy of
10 some sort.

11 Q To do what?

12 A Involving her. Discrediting Dita Beard.

13 Q While you are securing three answers from her to three
14 questions that you gave to her?

15 A Yes.

16 Q Other than that matter and the Fielding break-in, were
17 there any other or are there any other of this number of
18 highly illegal conspiracies that you were threatening the
19 White House with exposing?

20 A I cannot recall any no, sir.

21 Q Did you ever testify that you thought Ellsberg was a
22 traitor and that you had information that he was passing
23 highly classified and secret documents of this country to the
24 Soviet Union.

25 MR. SNYDER: Objection, we are in the same area, your

1 Honor.

2 THE COURT: You object to the ground its repetitious.

3 MR. SNYDER: -Yes.

4 MR. LANE: I did not ask him the question if he
5 testified to that.

6 THE COURT: Sustained. You have gone over it about
7 three times now.

8 MR. LANE: I never asked if he testified during the
9 Mitchell case or Watergate to that.

10 THE COURT: It would be surplus at this time. You
11 have gone over it at least three to four times.

12 MR. LANE: All right, your Honor, that is your
13 ruling.

14 BY MR. LANE:

15 Q What is a plausible denial?

16 A Denial that is believable.

17 Q Is that a term of art within the CIA?

18 A I would quibble with you about it. It is a term people
19 use in many context. In the intelligence community it means a
20 story that is plausible, it could be believed by a substantial
21 number of people. Plausibly denying, a denial that is
22 believable, that is credible.

23 Q Is it for the purpose of preventing the truth from being
24 known?

25 A I wouldn't want for attach so broad an interpretation to

1 it, Mr. Lane.

2 Q Do you recall testifying in the Erlichman case on June 28,
3 1974.

4 Would you answer the question?

5 A I am sorry I thought--

6 Q I said, do you recall testifying--

7 A --I that you were going on. I did not want to interfere
8 with your thought, Mr. Lane.

9 Q Thank you very much.

10 Do you recall testifying on June 28, 1974 in the case
11 of United States versus Erlichman?

12 A We had been involved in that matter for twenty-three
13 hours. Now, may I say something, Mr. Lane, please.

14 Q I think you better answer the question.

15 THE COURT: I will instruct the witness. Just answer
16 the question. Go ahead with your question.

17 BY MR. LANE:

18 Q Do you recall testifying on that day? Would you like to
19 see the transcript?

20 A I would like to see the transcript.

21 THE COURT: Is it your intention to have him read the
22 whole thing?

23 MR. LANE: I asked him if he would like to look at it
24 to refresh his recollection. What happened on that day?

25 THE COURT: Did you testify on that day?

1 THE WITNESS: Yes, sir. I misunderstood the purpose.

2 THE COURT: If there is any purpose, Counsel will let
3 you read it? -- --

4 THE WITNESS: I beg your pardon.

5 BY MR. LANE:

6 Q Page 761 were you asked these questions, and did you make
7 these answers?

8 "Q. What was the reason or was any reason given, why
9 you and Mr. Liddy couldn't perform this operation?

10 "A. Because of our connection with the White House
11 and the fact that plausible denial would have to be
12 maintained.

13 "Q. You said plausible and denial would have to be
14 maintained?

15 "Answer. Yes.

16 "Q. Would you explain what you mean by that?

17 "A. The principal of plausible denial is simply
18 if an operation or action is later disclosed, for
19 example, as an action by the United States
20 Government, the Government can plausably deny
21 it, have any involvement or connection with the
22 action.."

23 Do you recall those questions and answers?

24 A Yes.

25 Q Would you accept that as a fair definition which you gave,

1 when you testified as to what plausible denial is?

2 A Yes. Of course we were focusing in on that point on a
3 particular operation.

4 Q Did you write a memorandum in which you suggested that an
5 operation should be mounted for the purpose of destroying the
6 public image and destroying the credibility of Dr. Ellsberg?

7 A I did.

8 Q Was that your proposal that that be done?

9 A It was my proposal and I referred to Mr. Colson's
10 recommendation to who suggested it.

11 Q Did you write this paragraph:

12 "I am proposing a skeletal operations plan aimed at

13 building a file on Ellsberg that will contain all

14 available overt/covert and derogatory information.

15 This basic tool is essential in determining how to

16 destroy his public image and credibility." destroy his

17 Did you write that?

18 A I did.

19 Q Are you complaining in essence that Spotlight did a kind
20 of a similar thing to you in this case.

21 A I don't think it is an act of comparison. I think you are
22 asking for a legal conclusion that I am not prepared to make.

23 Q Also, and part of your plan to destroy Dr. Ellsberg's
24 reputation, did you suggest that his first wife be
25 interviewed?

1 A Yes.

2 Q Did you suggest a request be made to the FBI, to the CIA
3 and CIC for their full holdings on Dr. Ellsberg?

4 A Yes.

5 Q What is the CIC?

6 A Counter Intelligence Corps of the United States Army.

7 Q Did you suggest Ellsberg files from his psychiatrist be
8 obtained?

9 A I did.

10 Q Did you request that CI should perform a covert
11 psychological assessment on Ellsberg?

12 A I am sorry. Did I request or recommend--

13 Q Request CIA to perform a covert psychological assessment
14 evaluation on Ellsberg?

15 A Not to quibble, I certainly was in favor of it. I can't
16 recall if I made the request to Dr. Maylie or whether David
17 Young did from our office.

18 Q I will show you Page 753 of your testimony and ask if that
19 report is present. There were the word "request," also?

20 A Okay. Colson would request the CIA to perform a covert
21 psychological examination, yes.

22 Request CIA to perform a covert psychological
23 examination. It is a memorandum to Charles Colson.

24 Q Listed under items request CIA to perform a covert
25 psychological assessment of evaluation on Ellsberg, is that

1 correct?

2 A In the normal course of events, when a subordinate sends a
3 memorandum to a Superior, in my case with Colson, the
4 recommendation that he do this, if Mr. Colson does it, I did
5 not have the power or the authority to do it.

6 In the end it was done. No argument about it.

7 Q Do you think that is right?

8 A Do I think what is right?

9 Q To try to destroy a man's reputation utilizing the Armed
10 Forces of the United States Government in its secret
11 operations, to destroy the credibility of an America citizen.

12 Do you think that is right?

13 A If he were the individual that we believed him to be at
14 that time, absolutely.

15 Q If he was a traitor,. He should have be tried to treason,
16 is that correct?

17 A That's correct.

18 Q He could have defended himself against the charge in
19 court, is that correct?

20 A That's correct. That is the way our judicial system
21 works. We like to think so.

22 Q But, he was not given that opportunity was he, Mr. Hunt,
23 because you were mounting a covert operation to secretly
24 destroy his reputation and his credibility, is that correct?

25 A It had begun, yes.

1 Q Is that right? Do you support that activity?

2 A Do I support that activity?

3 Q Yes.

4 A I wish I never heard of Watergate. I wish I never had
5 been employed in the White House.

6 Q It did not work out too well for you. That is not what I
7 am asking.

8 Do you support the use of secret weapons by the U. S.
9 Government to destroy the credibility of American citizens?

10 A I would have to say it depends upon who those American
11 citizens are.

12 Q If they are criminals, should they not be prosecuted for
13 your their crimes; and should people not be hiding in dark
14 shadows to destroy their reputations in such a fashion they
15 could not defend themselves?

16 A You are asking me for are for a legal conclusion?

17 Q I am asking you what you believe because it is an article
18 published by you which you said does not accurately portray
19 anything about you.

20 I would like to know what you believe.

21 Do you believe that is proper?

22 A If what is proper?

23 Q To try to destroy the credibility and reputation of
24 American citizens in a secret fashion?

25 A Under the circumstances then obtaining, I had no problem

1 with it at the time. Today, I obviously would.

2 Q Why? What is different?

3 A A lot is different.

4 Q What is different?

5 A I have matured a good deal since then. I have seen how
6 insubstantial Mr. Colson's frame of reference was.

7 Q Have you sent a letter of apology to Dr. Ellsberg?

8 A No.

9 Q Did you conclude at the very least a bad job was in order
10 regarding Dr. Fielding?

11 A If by that time the FBI declined to do it, yes.

12 Q Was that your recommendation?

13 A Could well have been.

14 Q If you state what is the bag job, first of all--

15 A It is a black bag job. Type that the FBI performs in this
16 country, as you well know. And the CIA oversees to obtain well
17 materials that are not conveniently made available to it.

18 Q Did you testify, it seemed to me at least that a black bag
19 job was in order? Do you recall testifying to that?

20 A Yes, we had just go into that.

21 Q What other things were you considering, if that was the
22 minimum that you were considering?

23 A Prosecution.

24 Q Was he prosecuted?

25 A I believe he was, yes.

1 Q Dr. Ellsberg was?

2 A Yes.

3 Q What happened?

4 A The Government withdrew its case.

5 Q Was he prosecuted for treason?

6 A I don't recall what the charge was.

7 Q You don't know whether or not Dr. Ellsberg was ever
8 prosecuted for treason? Is that what you are saying to us?

9 A That is what I am telling you.

10 Q Was he prosecuted for delivering documents to the Soviet
11 Embassy?

12 A He was prosecuted on a charge that was withdrawn by the
13 Government, because of Government interference.

14 Q Releasing documents to the New York Times and to the
15 America people, isn't that the charge?

16 A If you say-so.

17 Q I am asking you?

18 A I have no independent recollection.

19 Q Did you state at a meeting that it would be a fine idea to
20 try Ellsberg in the press if he could not be tried in the
21 court room?

22 A I may have.

23 Q Page 766 of your testimony, Defendant's Exhibit J, your
24 testimony in the Erlichman Liddy, Barton case.

25 "Mr. Hunt, was there any discussion during this

meeting with Dr. Malloy concerning trying Dr.

Ellsberg in the press?

"Answer." I recall an elusion to it.

"Question. What would your elusion have been?

"Answer. That if he could not be tried in court, it was a fine idea to try him in the press.

"Question. Do you recall who made that statement?

"Answer. Offhand, I would say it was myself."

Does that refresh your recollection?

A Yes.

Q Was an effort made to try Dr. Ellsberg in the press?

A Beyond the Fielding entry operation, I don't think anything was ever done.

Q Was there a discussion that you had with Mr. Colson about not just Dr. Ellsberg, but his lawyer?

A You have to refresh my recollection on that. You have to refresh.

Q Page 767 of your testimony: 27

"Q Do you have a recollection, Mr. Hunt, of discussing with Mr. Colson, the preparation of material on an individual by the name of Leonard Boudeen.

"A I do.

"Q Who was Mr. Boudeen?

"A Mr. Boudeen at that time, was the chief legal counsel for the Dr. Daniel Ellsberg and Dr.

1 Ellsberg's difficulties with the United States
2 Government."

3 Does that refresh your recollection?

4 A It does.

5 Q Did you suggest as you testified at that time, that there
6 should be term prepared about Leonard Boudeen?

7 A I did.

8 Q Leonard Boudeen was not a Marxist dictator?

9 A No. He was a general counsel for Fidel Castro.

10 Q General Counsel for Fidel Castro?

11 A In this country.

12 Q Fidel Castro has a general counsel in this country?

13 A He certainly has a legal representative in this country.

14 Q That is Mr. Boudeen's position?

15 A It was at that time.

16 Q Is Mr. Boudeen considered by the bar to be a extremely
17 competent fine talented and distinguished member of the New
18 York bar?

19 A I not being a member of any bar. I would not be able to
20 assert an opinion.

21 Q Did you do some research on Mr. Boudeen.

22 A Yes, indeed.

23 Q Did you discover what I asked you, whether that was true?

24 A That was not a part of our guy's discovery.

25 Q What was your research?

1 A Well, my recollection is, and again there is a best
2 evidence rule, was that Mr. Boudeen was of the far left, that
3 he represented solely Marxist causes.

4 I think that he was a member of some of the bar
5 associations the left wing. Bar associations that attorneys
6 of that type associate with. I think his daughter was one of
7 the brigade girls in Cuba, and I think recently surrendered
8 for sentencing in connection with some underground work that
9 she had done, that resulted in the death of some people in
10 Poughkeepsie or upstate New York. Of course that was
11 after-the-fact.

12 Q You think it is relevant now, when I ask you what research
13 you did at that time?

14 You told us about his daughter?

15 A Who was then in Cuba.

16 Q You do know what guilt by association means? You do not want

17 A Very definitely.

18 Q I am asking you about distinguished members of the New
19 York Bar and you are telling me about his daughter. Is that
20 guilt by association?

21 A You are characterizing him as a distinguished member of
22 the New York Bar, and I say I have no idea what he is.

23 Q Is guilt by association the kind of thing that you used to
24 do years ago, but now that you are more mature. You don't
25 engage in any more?

1 MR. SNYDER: I object.

2 * THE COURT: Sustained.

3 BY MR. LANE: - - - -

4 Q Did you write a memorandum about Mr. Boudeen?

5 A I believe I gathered some file material on Mr. Boudeen in
6 the form of a memorandum.

7 Q Anything else happen?

8 A That was passed to a person in the presence of Mr.
9 Colson's confidence.

10 Q What happened?

11 A I think a portion of it was published in the press. I
12 think the New York Times.

13 Q In fact, you wrote an article about Mr. Boudeen. You did
14 not pull together some file material; is that not correct?

15 You wrote the article; is that true?

16 A I did not write the article that finally appeared.

17 Q Did you write an article?

18 A I wrote a long memorandum that was transposed into article
19 formed by the man who published it under his name.

20 Q Page 768:

21 "Q Did you do some research on Mr. Boudeen?

22 "A I did.

23 "Q Did you are prepare a memorandum about him?

24 "A I prepared more than that. I prepared an
25 article--a journalist article on Mr. Boudeen."

1 Were those the answers that you gave when you were
2 questioned under oath on that occasion?

3 A Yes.

4 Q Were they truthful?

5 A They were.

6 Q Under what name was the article published?

7 A I don't recall.

8 Q Do you know the name Jerry Tourhurst?

9 A Yes.

10 Q Does that refresh your recollection?

11 A Yes.

12 Q Was that published under Mr. Jerry Tourhurst's name?

13 A It was.

14 Q Do you think that is right?

15 A Do I think what is right?

16 That was the purpose of the operation.

17 Q I know that was the purpose.

18 I am asking you if you think it is right that
19 American intelligence uses its funds secured by taxpayers like
20 Mr. Boudeen and others, and uses that money to prepare a
21 derogatory piece, which is then published under a different
22 name against a member of the bar.

23 Do you think that is right?

24 MR. SNYDER: Objection as to the characterization.

25 THE COURT: Overruled on the grounds stated.

1 THE WITNESS: I am sorry.

2 BY MR. *LANE:

3 Q Do you think that is right?

4 A There was no American intelligence money involved in that.

5 Q Where was the money coming from?

6 A I was getting twelve and a half dollars an hour for an
7 hours work at the White House. That was part of the White
8 House budget.

9 Q Do you think it is proper for public funds to be used in a
10 surreptitious fashion to make an article in the newspaper, so
11 that when the American people read the newspaper they think it
12 was written by journalist, not by someone being paid by the
13 White House?

14 A I thought so; that it was proper under the circumstances
15 prevailing at the time. I no longer think so.

16 Q Let's move to November 22, 1963.

17 I want you to tell me, if you can, every person who
18 you saw or talked to that day?

19 A On November 22nd?

20 Q November 22, 1963?

21 A All right. In my home, my wife, the late Dorothy Hunt,
22 and domestic servant, the late Mary Triner.

23 The late Leona Dresser, my wife's aunt, who was
24 visiting use; three semi-grown children, Lisa, Kevin and St.
25 John Hunt, my fourth child, was at that time about two and a

half months old, having been born on September 1st.

Q Since you say semi-grown, I hope I am not interrupting, would you tell us how old each of them was on that date?

MR. SNYDER: Objection, relevance.

THE COURT: Overruled.

BY MR. LANE:

Q How old was Lisa?

A She was thirteen or fourteen. Kevin was about a year younger, and St. John was couple of years younger. So we were talking fourteen, thirteen and about ten--nine or ten. He was still in elementary school.

I saw Mr. Walter Cushman with whom I shared driving chores to and from our nearby homes in the suburbs of Sumner, Maryland.

Q When did you see him?

A On the first time, in the morning when we drove into work.

Among my office personnel, I saw at least Miss Connie Hicks, who has since become Miss Connie Hicks Massaroff. A lady normally was subordinate to me was not present that day.

Q I am not asking you who you did not see, but who you did see?

A I have not kept an inventory of this.

Q You have been asked this question many times?

A No, I have not.

Q Really?

1 A No, I have.

2 I have been asked related questions, but not
3 specifically what you are asking me.

4 She is was not there!

5 Q What was her name?

6 A Her name at the time was Betty MacIntosh.

7 Q She was not there that day?

8 A Not there that day, no.

9 Q That being CIA in Washington?

10 A That being an a Friday.

11 Q When you say, said she was not there that day, she was not
12 at the Washington office of the CIA?

13 A At my Washington office.

14 Q Your Washington office?

15 A Yes.

16 A Located at?

17 A Located at H Street Northwest.

18 Q Who else, if anyone?

19 A I saw Mr. Cushmac at noon that day with a friend of his,
20 who he later identified to me as Mr. John Sucard, S-u-c-a-r-d,
21 and agent an agency employee.

22 And when the assassination news came over the air,
23 also the news that Government offices were closed, we drove
24 back to Sumner and stayed by our television sets watching
25 those tragic events unfold.

1 Q For a couple of days?

2 A Pretty much so, yes.

3 Q I think you testified it was until the service on Monday?

4 A Yes.

5 Q Is that correct?

6 A Yes.

7 Q You therefore--you did not see anyone after you got back
8 to your house other than your children and your wife, is that
9 correct?

10 A And the people who no longer were around to testify. My
11 wife and our domestic servant.

12 Q Did you talk to anyone by telephone that day, after you
13 arrived home?

14 A I have no recollection of it.

15 Q When was the first time you heard that any one was saying
16 that you had any involvement in the assassination of John F. Kennedy?
17

18 A About 1975.

19 Q Who said that?

20 A That was some twelve years later.

21 Q That's right. Who said that?

22 A That was put out at a press conference with A.J. Weberman
23 and the comedian Dick Gregory in Washington.

24 Q How did you hear about it?

25 A I saw an account of it in the national press.

1 Q What press, do you recall what newspapers?

2 A I think we have some exhibits relating to them, Counselor,
3 but briefly, I saw them re-played down here in the Miami
4 Herald. I think the Miami news.

5 I have a photostat, Xerox copy somewhere of the AP
6 wire transmission showing me and Gregory, and it did not show
7 Weberman, though. It was ample publicity at the time. It was
8 not until later I learned that Mr. Gregory was acting as an
9 advance man for A.J. Weberman and his soon-to-be-published
10 book, "Coup D'Etat in America."

11 Q As far as you are concerned, it all began with Mr.
12 Weberman?

13 A Yes.

14 Q Did Mr. Weberman, write that book alone?

15 A No, he had a co-conspirator named Michael Canfield.

16 Q Is that known in the publishing business as a co-author?

17 A Yes.

18 Q Did you demand of the publisher that the book be stopped?

19 A I made the normal libel demand under the laws of the State
20 of Florida, that retraction be made. I don't think there was
21 any attempted pre-sensorship. The book was published by then.
22 You can't stop a book that has been published.

23 Q How did you expect the retraction to take place, if you
24 were not asking that the printing be stopped.

25 What were you are asking for in your retraction

1 demand?

2 A Well, the publication of some sort that would--even a
3 press conference, a joint press conference with Weberman and
4 Dick Gregory or Michael Canfield in saying that they
5 acknowledged the falsity of their charges.

6 Q And they did not acknowledge the falsity of the charges,
7 did they?

8 A No.

9 Q What did they say?

10 A Well, at that point the matter became one of litigation
11 between attorneys.

12 Q What did they say in the book or the press conference?

13 A I believe we have gone over this, but I will if you will
14 bear with me, I will attempt to get the thing in context.
15 again.

16 Weberman had secured--Weberman or Canfield secured an na
17 some photographs that were taken by the national press... Three
18 so-called tramps in Dealy Plaza.

19 Q Other than that, what did they say? You have go over that.

20 A There is more or less the tramp we have not gone into.

21 Q They said if you wanted to go further you can, but we
22 understand that they said that the picture showed that you
23 were in Dealy Plaza and Sturgis was there.

24 MR. SNYDER: Objection. Let him finish his answer.

25 BY MR. LANE:

1 Q What else have they said besides that, if anything?

2 A I think one of the things was they suggested I was a
3 member of a hit team.-

4 Q How did they say that you?

5 A In writing, they said it. I don't have the book here. I
6 am telling you in general what they said.

7 Q You said that they suggested that you were a member of a
8 hit team.

9 I know it was in writing because most books come out
10 that way. I asked you how they said that--they made that
11 suggest. Did they say, "Mr. Hunt was involved in fingering the
12 shots."

13 Did they say, "He looks like somebody who might have
14 done it." I am asking you if you know what they said?

15 A I knew what they said at the time, yes, certainly and it
16 was highly offensive and wrong.

17 Q They said they had pictures which they said proved that
18 you were there?

19 A That I was one of the tramps.

20 Q That is the pictures?

21 A The pictures. And very likely a member of the hit team.

22 Q Did they say anything else about your alleged involvement
23 in the assassination of John F. Kennedy?

24 A Said a great deal, yes.

25 Q What else, if you recall?

1 A I don't recall.

2 Q You filed a lawsuit, did you?

3 A Yes.

4 Q That was filed against Weberman and Canfield?

5 A As authors. The publishing firm as well.

6 Q Who was your lawyer in that case?

7 A Ellis Rubin of Miami.

8 Q He is a well known lawyer in Miami, is he not?

9 A He is.

10 Q Is he considered to be a responsible lawyer?

11 A As far as I know.

12 Q Does he have a good reputation here in Miami?

13 A I believe he does. I think he is often referred to buy
14 the press as a controversial figure.

15 Q I know the phrase.

16 THE COURT: Let's not make any statement, please.

17 MR. LANE: Yes.

18 BY MR. LANE:

19 Q Did he draft the Complaint in the case?

20 A He did. I was in prison at the time.

21 Q Did the book state that Kennedy was killed by elements
22 associated with the CIA and Mafia conspirators retaliation, or
23 Kennedy's refusal to provide airport support preventing the
24 Bay of Pigs fiasco. Do you recall if that was on the jacket
25 of the book?

1 A I have not seen the jacket for many years.

2 Q Have you seen the Complaint which Mr. Rubin filed in your
3 name?

4 A Not since 1976.

5 Q It now becomes Defendant's Exhibit M in this case.

6 I think we should call that K.

7 MR. SNYDER: I have no objection.

8 BY MR. LANE:

9 Q I am showing you Defendant's Exhibit K for identification
10 and ask you if that is, in fact, the Complaint filed against
11 various parties responsible for the publication of the book
12 "Coup D'Etat"?

13 A Yes, it is.

14 Q May I invite your attention to Page 2, paragraph No. 3,
15 and see if, in fact, in your Complaint you state that the book
16 "Coup D'Etat in America", the CIA assassination of John F.
17 Kennedy, which asserts that "Kennedy was killed by elements
18 associated with the CIA and Mafia connected conspirators in
19 retaliation for his refusal to provide the air support,
20 preventing the Bay of Pigs fiasco." They refer to this being
21 on the jacket of the book.

22 Is that what your Complaint says?

23 A Yes.

24 Q Do you allege in your Complaint, same page, Paragraph No.
25 4, Subdivision B, by 1963, "Kennedy's murder was being planned

1 by assassination experts within the Central Intelligence
2 Agency."

3 You don't allege that those are the facts, but you
4 allege that is in the book, is that correct?

5 A It is a quotation from the book, I believe.

6 We are citing to support my Complaint.

7 Q (Reading)

8 "Orders had come down from upstairs that Kennedy must
9 die, and the then recently formed domestic
10 operations division was assigned the task. The
11 leader of its covert operations department had it in
12 for Kennedy even before the Bay of Pigs, and he
13 recruited some of the agency's most dangerous
14 operatives who would be part of an elaborate plot to
15 assassinate the President and blame it on an agent
16 of Castro."

17 Is that in your Complaint?

18 A It is.

19 Q Do you state that in your Complaint, in truth and fact,
20 that was the leader of the Covert Operations Department of the
21 CIA's Domestic Operations Division. The rest of the quoted
22 material is outrageously false and maliciously written?

23 A Yes.

24 Q Back to the book, Page 3, "Meanwhile, the killers
25 disguised as tramps hid in some nearby boxcars, which appeared

1 to be locked from the outside."

2 * And do you comment in your Complaint that that
3 allegation is outrageous lies, false and maliciously written?

4 A I do.

5 Q Does the quotation from the book then continue, in your
6 Complaint on Page 3,

7 "The assassins would have go free if it were not for
8 a sharp railroadman named LeBours, who saw one of
9 them jump from one car to the next they were hidden
10 in. The tramps were brought in for questioning, but
11 were releases on the FBI's word that they were
12 guiltless."

13 Do you have that citation and then do you say in your
14 Complaint again, referring to plaintiff, which is outrageously
15 false and maliciously written?

16 A Yes.

17 Q Is the book then quoted, again in the following paragraph:

18 "Designated, parentheses lower case, Kennedy's
19 assassination was thus really the first take over of
20 Government by organized violence. The first coup
21 d'etat in America, because after it happened, it was
22 a radical change in policy. It differed from most
23 coups e'tat, taken that the man who replaces the
24 slain leader namely, Lyndon Johnson, was not part of
25 the conspiracy to assassinate the predecessor, the

1 routes of the coup, to be traced back to the Bay of
2 Pigs as some of the personnel who participated."

3 After quoting that, you state again, referring to
4 plaintiff, which is outrageously false and maliciously
5 written.

6 Is that correct?

7 A Yes.

8 Q "One could compare the modus operandi with that of the
9 Kennedy killers."

10 Is that quotation from the book?

11 A Yes.

12 Q Does it purport to be a quotation from the book?

13 A It is.

14 Q And do you say that in your Complaint it is outrageously
15 false and maliciously written?

16 A I do.

17 Q Going back to the book.

18 "The FBI also launched an all-out campaign to stop
19 the rise of the black mosayah who would be the
20 former slave of the economic and social wastelands
21 of the ghetto, Martin Luther King was made the
22 subject one of the most intense surveillance
23 campaigns in the history of the FBI and was probably
24 the victim of the same covert action that killed
25 John F. Kennedy."

1 A Correct.

2 Q In other words, does it seem to you that the book is
3 saying that you not only killed the President Kennedy, but you
4 also killed Martin Luther King?

5 A Yes.

6 Q That goes beyond The Spotlight a bit, does it not?

7 A It is a matter of opinion, Counselor.

8 Q Really?

9 A Yes.

10 Q Now, we get to (h):

11 "There is overwhelming evidence to suggest a link
12 between convicted Watergate burglary mastermind have
13 Everett Howard Hunt and Lee Harvey Oswald. Again,
14 referring to the plaintiff which is outrageously
15 false and maliciously written."

16 Is that another allegation in your Complaint and your
17 response to it?

18 A It is.

19 Q (Reading)

20 (i): "There is substantial evidence to suggest that
21 claims in the press which linked Howard Hunt and
22 Frank Sturgis to the tramps, who were picked up in
23 the vicinity of the Texas School Book Depository
24 after the assassination, have a strong basis in
25 fact. A photo analysis of the now famous tramp

1 photos including an acetate overlay of known
2 pictures of Hunt and Sturgis appears in Chapter 11
3 of this book,"

4 to which your Complaint responds, again, referring to
5 plaintiff which is outrageously false and maliciously written.

6 A Right.

7 Q (Reading)

8 (j) "By why after all his painstaking precautions
9 would the CIA let pictures of Howard Hunt, disguised
10 as a tramp on the scene of the Kennedy
11 assassination, circulate?"

12 In your comment, again, referring to plaintiff's,
13 which is outrageously false and maliciously written. Is that
14 correct?

15 A Correct?

16 Q (Reading)

17 (k). "In 1949 Howard Hunt wrote Bimini Run, a spy
18 thriller story, an ex-Marine, a gambler and soldier
19 of fortune named Hank Sturgis. It is obvious that
20 somewhere along the line Hunt's and Fiorini's paths
21 had crossed. In a way, Hunt is telling the truth;
22 he did not know Sturgis then. Instead he knew
23 Fiorini.:

24 Again referring to plaintiff's which is outrageously
25 false and maliciously written, is that correct?

1 A Right.

2 Q Did you refer to someone in 1949 in a book called Bimini
3 Run named Sturgis?

4 A Yes.

5 Q (Reading)

6 (1) "By the strangest thing about Oswald's FPCC
7 was the fact some of its literature was stamped with
8 the address 544 Camp Street, as mentioned earlier,
9 there was an address of the Cuban revolutionary
10 counsel an alliance of anti-Castro groups put
11 together by the CIA, was also a New Orleans address
12 of Howard Hunt who worked closely with the Cuban
13 revolutionary counsel, again referring to
14 plaintiff's which is outrageously false and
15 maliciously written."

16 Is that quotation from your book, and is that your
17 response to it?

18 A It is.

19 Q The Fair Play For Cuba literature which others would give
20 out in New Orleans, does it have stamped on it 544 Camp
21 Street?

22 A I have no idea.

23 Q You are not sure that part is false?

24 A Well, I assume we will be taking up each one of these in
25 due course.

1 Q (Reading)

2 (m). "In 1954, Bannister started the anti-communist
3 league of the Caribbean which helped overthrow the
4 leftist Arbenes regime in Guatamala. Hunt was in
5 charge of this operation; referring to plaintiff's
6 which is outrageously false and maliciously
7 written."

8 Is that there?

9 A That is there and it is true.

10 Q Do you know anybody named Bannister?

11 A No.

12 Q Did you know the FBI agent in charge of the office in
13 Chicago that would then be Special Agent in Charge Bannister?

14 A No.

15 Q Moved to New Orleans and did operate out of an office, the
16 same address, 544 Camp Street, did you know him? address, 544 Camp

17 A No.

18 Q (Reading)

19 "Hunt arranged for troops to begin training in
20 Honduras and eventually Arbenes was deposed. Again,
21 referring to plaintiff's which is outrageously false
22 and maliciously written."

23 That is present there?

24 A That is in the book, yes.

25 Q That is your response, it is not true?

1 A It is.

2 Q (Reading)

3 (o) "When Hunt worked in the office of policy
4 coordination, the predecessor of the CIA, one of his
5 main interests was to reverse Italy's leftward
6 political trend and defeat the Communists at the
7 polls, again referring to plaintiff's which is
8 outrageously false and maliciously written."

9 Is that statement--

10 A True.

11 Q Is it false, that you did that?

12 A It is false, yes.

13 Q You made no effort to defeat the Communists in the polls
14 in Italy, did you?

15 A I don't recall becoming involved with it in that period of
16 time.

17 Q Again, referring to plaintiff which is outrageously false,
18 then after the front for dear submit became the New Orleans
19 deal get to the Cuban revolutionary counsel which was
20 connected with Hunt. Again, referring do plaintiff which is
21 outrageously false, maliciously written. Is that so there in
22 the book.

23 A Its in the book, yes.

24 Q That is false?

25 A Its false I don't know who Smith is.

1 Q You never heard that name?

2 A Only in connection with depositions that in the past.

3 Q (Reading) -- --

4 (q) "During the planning of Bay of Pigs invasion

5 Howard Hunt worked for Double-Chek a dummy

6 electronics firm located outside of Miami."

7 Is that material in the book?

8 A It is.

9 Q Is it true?

10 A No.

11 Q Did you ever work for anything called Double Chek?

12 A No.

13 Q (Reading)

14 (r) "Hunt worked on domestic propaganda for the

15 counsel and is likely he knew Gil."

16 That appears to be an allegation that is in the book, yes.

17 is that correct?

18 A If the allegation is in the book, yes, sir.

19 Q Do you know in this case anybody named Gill?

20 A No.

21 Q Did you work for domestic--on domestic propaganda for the
22 counsel, prepared it?

23 A What are we talking about.

24 Q I don't know. It's your Complaint. I was about to ask
25 you. You don't know either, is that right.

1 (s) "Jim Garrison discoveredf in the fall of '63
2 Ferrie made quite a few calls to Mexico City.
3 Howard Hunt was station chief around this time."
4 Again referring to plaintiff's which is outrageously
5 false, maliciously--

6 Do you know who Jim Garrison is?

7 A I know the name, that is all.

8 Q He was the District Attorney of New Orleans?

9 A Yes, another assassination buff.

10 Q He is a buff. He is a Judge now in New Orleans, is that
11 right, second highest Judge in the State?

12 A I wouldn't know.

13 Q In Louisiana, is that correct?

14 A I don't know, sir. I thought he was dead.

15 Q Where did you get that information?

16 A Just a feeling I had, that he was one of the people who
17 has mysteriously died since the death of Kennedy. Maybe I was
18 picking somebody else.

19 Q He is a judge of the Court of Appeals of the State of
20 Louisiana.

21 MR. SNYDER: Objection.

22 THE COURT: Objection sustained.

23 BY MR. LANE:

24 Q Have you heard of that?

25 THE COURT: Don't make any statement.

1 BY MR. LANE:

2 Q Have you heard in any way that Judge Garson is the Judge
3 of Court of Appeals?

4 MR. SNYDER: Objection.

5 THE COURT: He stated he did not know that.

6 BY MR. LANE:

7 Q Do you know who Ferrie is?

8 A I heard the name in depositions.

9 Q David Ferrie?

10 A I read the name in, I guess, in this piece here.

11 Q Where did you find it?

12 A Ferrie was not mentioned and Hemmings was. They are
13 usually mentioned in the same breath.

14 Q In that article?

15 A I don't see it.

16 Q Going back to the book, in your Complaint, General back to the
17 Alexander Haig, another Watergate-linked figure was probably
18 involved with Hunt and Nixon, because he was in the Caribbean
19 section of the planning division of the Department of Army at
20 the time of the Bay of Pigs. You purport that was in the
21 book?

22 A Yes.

23 Q You purport that was outrageously false and maliciously
24 written?

25 A Yes.

1 Q (Reading)

2 (u) "Jerry Buchanan was the ex-convict brother of
3 James Buchanan, a close friend of Sturgis and
4 possible CIA agent who, as we shall see later may
5 have worked with the omnipresent Howard Hunt."

6 Do you assert that is in the book at Page 100?

7 A Yes.

8 Q You further assert that that is outrageously false and
9 maliciously written?

10 A Yes.

11 Q (v). When James McCord was caught bugging the Democratic
12 National Committee office in the Watergate, he was using the
13 name Edward J. Martin. Hunt was using the code name, Mr.
14 White.

15 Again, referring to plaintiff which is outrageously
16 false and maliciously written, do you assert that is in the
17 book at Page 133 and that it is false?

18 A I do.

19 MR. SNYDER: Could I suggest that we admit this in
20 evidence and let the jury see it and speed things up.

21 THE COURT: No. He has a right to present his cross
22 the way he wants to.

23 BY MR. LANE:

24 Q Were you using the code name Mr. White?

25 A I was not.

1 Q I am sorry?

2 A No, Counselor I was not.

3 Q Were you using any code name?

4 A At the time Watergate break-in.

5 Q Yes.

6 A That, no.

7 Q Was McCord, to your knowledge, using the name Edward J.
8 Martin?

9 A I don't know. He may have be. I don't know what name the
10 apprehended men were booked in under in police headquarters.

11 Q At that time--at any time have you used the code name Mr.
12 White?

13 A I don't recall it. If I ever did.

14 Q I take it you can use many different names?

15 A Two or three, it is not one that I remember. Two or three.

16 Q This would be the second time Hunt retired from what was
17 essentially the same organization. He was listed as a retired
18 Government official when he planned Castro's assassination in
19 Spain. You assert that was in the book at Page 174?

20 A Yes.

21 Q And that is false?

22 A It is false.

23 Q Were you in Spain?

24 A I was in Spain at one time, but I did not plan Castro's
25 assassination in Spain.

1 Q You did not plan his assassination in Spain?

2 A No.*

3 Q (Reading) -- --

4 (x) "Very little is known about Hunt's activities
5 during 1962, '63. This period is totally omitted
6 from his autobiography. All that is known about it,
7 he was CI Chief of Station Mexico City, August 19,
8 '63."

9 You assert that is in the book on Page 78?

10 A I do.

11 Q It is outrageously false and maliciously written?

12 A It is.

13 Q And why is that? What is false about it and outrageous?

14 A Chief of station in Mexico City in August and September
15 1963. And it is malicious because its been suggested by
16 quite a few buffs that I had contact with Lee Harvey Oswald in
17 Mexico City at that time, when I was alleged to be there and
18 was not in any capacity.

19 Q Now, we get to Page 7 of the Complaint. Starting at the
20 top.

21 (y) Hunt's safe also contained material relating to
22 an investigation of Chappaquiddick. He cultivated informers
23 within the Kennedy clan and may have forged documents blaming
24 the failure of the Bay of Pigs invasion on a secret agreement
25 between Kennedy and Castro. Do you assert that is in the book

1 at page 79 and 80?

2 A I do and it is outrageously false and maliciously written.

3 Q Did you investigate Chappaquiddick?

4 A I listened to some information that the man wanted to
5 passed on to the White House, yes. I did not cultivate
6 informants. within the Kennedy clan.

7 Q Regarding Chappaquiddick that is all that happened, one
8 occasion when you once listened to someone tell something
9 about Chappaquiddick.

10 Is that your total involvement?

11 A Once or twice.

12 Q Did you do anything after that one meeting or after those
13 two meetings?

14 A Reported what the individual had to say.

15 Q To whom?

16 A To Colson and to his sponsor Rubin Knight who was an
17 employer at the Mullem Company.

18 Q Had you ever talked about a secret agreement between
19 Kennedy and Castro?

20 A No.

21 Q Never?

22 A Never.

23 Q (Reading)

24 (z) "The people connected with the Bay of Pigs
25 operation and Watergate certainly had a motive for

1 killing Kennedy. They felt he was standing in the
2 way of liberation of Cuba."

3 Again, referring to the outrageous false and
4 maliciously written.

5 Do you ascertain in part lettered (z) that is found
6 in Page 82 of the book and it is false and malicious?

7 A I do.

8 Q (Reading)

9 : (aa) "Hunt laid the blame for the Bay of Pigs fiasco
10 entirely on Kennedy and there is no reason to
11 believe he suspected the President of being part of
12 international Communist conspiracy."

13 Do you assert that in the book, Page 76?

14 A In the book and it is false and maliciously written.

15 Q The defendants repeated assert and they have all these
16 pages listed here that photographs taken in Dallas, Texas, are
17 those of the plaintiff and there acertain those are there not
18 Pages 69, 72, 73, 199, 224 and 228, 211, 212, 213, 214, 215,
19 216, 217, 223, and that each of these assertions is
20 outrageously false and maliciously written, is that correct?

21 A That's correct.

22 Q (Reading)

23 (cc) "From the preceding testimony, it appears the
24 death squad was composed of two men in the TSBD."
25 Texas School Book Depository, yes?

1 A Could be.

2 Q It is your Complaint, I thought you might know.

3 Q And that two men--and two men behind the fence on the
4 knoll, they were supported by at least two other conspirators
5 who assured the police and bystanders that they had everything
6 under control behind TSBD. Do you assert that is on Page 66
7 of the book?

8 A The Complaint does and referring to me it is outrageously
9 false maliciously written.

10 Q Where does it refer to you on that paragraph?

11 A To the extent that it refers to me.

12 Q Where does it refer to you, is my question? Does it have
13 your name in there?

14 It says a death squad compose ever two men in the
15 School Book Depository. Two men behind the fence on the knoll
16 and two others conspirators, who assured the bystanders they
17 had everything under control behind the School Book
18 Depository. That is the entire section?

19 A I think we have to take that in the context of the
20 photographs taken of the tramps, and the allegations that
21 there were people on the knoll and the other two other
22 conspirators who assured the police that they had everything
23 under control.

24 Q Is it your understanding, that this paragraph on Page 66
25 of the book is asserting you were part of the killer team?

1 A That is correct. I do.

2 Q (Reading)

3 (dd) "Kennedy dug his own grave by trying to stop
4 Howard Hunt of the CIA from killing Castro."

5 Do you assert that is on page 79 of the book?

6 A Yes.

7 Q You assert that is false?

8 A Yes, and maliciously written.

9 Q Outrageously false?

10 (ee) "Was he afraid that if Hunt was thoroughly
11 investigated or even put in the limelight someone
12 might realize Howard Hunt was the key to the John F.
13 Kennedy assassination."

14 Page 87.

15 Do you assert that is there on Page 87?

16 A Yes. Again, outrageously false and maliciously written.

17 Q (Reading)

18 (ff) "FBI found fingerprints in the Texas Book
19 Depository which to date, they have not identified.
20 The most obvious thing to do is cross check them
21 with those of the Watergate burglary."

22 You assert that in the book, although you have--you
23 don't have the page citation?

24 A Yes.

25 Q You assert that is outrageously false and maliciously

1 written?

2 A I do.

3 Q In Part No. 5 following that, you assert that:

4 "All such assertions were and are flagrantly false
5 and libelous and the libelous matter was authored
6 and published by the defendants with actual malice,
7 that is, with knowledge that said assertions were
8 false or with reckless disregard of whether they
9 were false or not. Plaintiff alleges that the
10 foregoing assertions are a sheer fabrication by the
11 defendant and, in most instances, were and are
12 wholly imagined, which statements, views and
13 activities contained in the book attributed to the
14 plaintiff are abhorrent, outrages and repugnant so
15 as to offense public notions of decency to the
16 plaintiff."

17 Is that what you wrote, what your attorney wrote in
18 your behalf?

19 A It is.

20 Q There was a lot of money expended in bringing that case
21 to--

22 Was it tried in this Court? Was it brought before
23 this Court here? Was it filed?

24 A It was filed.

25 Q Was it filed in U. S. District Courts in and for the

1 Southern District of Florida, the Miami Division?

2 * If you look at the front page that is where it was
3 filed.

4 A Yes, it was.

5 Q Do you know what day it was supposed to come to trial?

6 A Supposed to come to trial, eventually after numerous
7 postponements.

8 MR. SNYDER: Your Honor, we need to approach the
9 bench for a ruling on a legal question.

10 MR. LANE: I think that is true?

11 THE COURT: Ladies and gentlemen I will let you be
12 excused, so we can discussion their matter.

13 (Jury left.)

14 (Sidebar conference as follows:)

15 MR. SNYDER: Your Honor, we anticipate the Weberman
16 suit was filed. We have gone through the whole Complaint. It
17 was dismissed.

18 The question has been asked of Mr. Hunt and he has
19 given three reasons why it was dismissed, and Mr. Lane is
20 fully aware what those reasons are, and the third reason among
21 all of them was because he had just obtained vindication by
22 winning a \$650,000 judgment against Liberty Lobby in the first
23 trial.

24 In their case, we understand the prejudice that might
25 flow to the defendant from that. We would like a ruling Mr.

1 Hunt was vindicated. He wants to say that, and we believe he
2 has a right to say he was vindicated in another matter by a
3 large judgment. And he has other reasons he would give too,
4 but we want to bring that to the Court's attention.

5 We don't want to cross over the line, but it was
6 reason, if his counsel had consulted with him prior to
7 dismissing that, would have been one of the reasons. In fact,
8 Mr. Rubin is quoted in the Miami Herald article saying that
9 was the reason he did it.

10 THE COURT: Maybe we can do that in the following
11 fashion.

12 I think quite obviously the defendant does not want
13 him to repeat that third reason. I think, however, he can do
14 it with about a ten or maybe fifteen-minute recess.

15 If you have no objection, even though he is on cross
16 examination. Let him confer with counsel, and give a response
17 to that third reason that does not say the prior judgment.

18 MR. LANE: I have no objection to there being a
19 recess so they can work out an answer.

20 THE COURT: I would appreciate it. Once you have
21 given a truthful statement in that regard advise counsel and
22 see if you have any objection at that time. Bring it to my
23 attention prior to bringing the jury back.

24 MR. LANE: I would like to thank Mr. Snyder for
25 raising the question at this time.

1 THE COURT: I would like to thank you both for
2 conducting yourself properly.

3 (Sidebar conference concluded.)

4 (Recess taken.)

5 MR. SNYDER: We are able to work it out during the
6 short recess.

7 THE COURT: Any objection to the statement prepared?

8 MR. LANE: We have no objection.

9 THE COURT: Thank you for bringing it to our
10 attention.

11 (Jury entered.)

12 THE COURT: Continue with your examination, Counsel.

13 BY MR. LANE:

14 Q We have gone through this Complaint for libel pretty
15 completely and all of the very, very serious allegations made
16 against you in this book, or some have them. Those that your
17 attorneys picked out, and your response that each of them was
18 outrageously false and maliciously written.

19 What was the day that this case was finally to come
20 to trial?

21 A Ultimately it was set for August 27, 1982.

22 Q Between the time it was filed, which was July 28th, was it
23 filed in 75?

24 A 1976.

25 Q Between the date when it was filed July 1976, and the date

1 it was to come to trial, was a lot of effort and money
2 expended on your side for preparation for trial?

3 A Well, let me explain. In 1976, I was in prison--

4 Q Yes, I understand.

5 A I was not paroled until February of 1977, at which point I
6 began taking an interest in civil, rather than criminal
7 litigation.

8 Q Were you present at depositions taken in those cases?

9 A Some of them I was, yes.

10 To answer your question, Counselor, I don't think
11 much transpired while I was in prison. Once I got out, I was
12 busy with other things. Some depositions were taken that I
13 attended locally, I think, and I attended one in the
14 Alexandria, Virginia area, and in any case, between the time
15 that the lawsuit had be filed and all the date ultimate of
16 the July trial was August 27th, 1982. 15 the July trial was Aug.

17 It had come to our attention that the head of the
18 Third World Press, a Nigerian--

19 Q Was a lot of money and time expended in the preparation
20 for the case? That is my only question?

21 A Some time and some money was expended, yes.

22 Q Were many thousands of dollars expended for depositions?

23 A I estimated about \$5,000.

24 Q How much was expended for transportation?

25 A \$5,000 all expenses, about \$5,000.

1 Q How many depositions were there?

2 A I have no idea.

3 Q Depositions, maybe \$600 or \$700?

4 A I would say, well, I don't think anything ran that long.

5 I think the bills were per deposition would average out
6 \$200-\$300, yes.

7 Q On the day on August 27th, you said 1981?

8 A No, 1982.

9 Q August 27, 1982, when the case finally was ready for trial
10 and came to this courthouse, different building, but the same
11 courthouse.

12 Is it true that your attorney, Ellis Rubin dismissed
13 the case without receiving even one penny in settlement?

14 A It is unfortunately true, yes.

15 Q Did you say that one of the false allegations in the
16 article before us, Spotlight was the assertion that your
17 attorney had agreed to settle the case for one dollar?

18 A Yes.

19 Q In fact, he settled for less?

20 A As it turned out, yes.

21 Q You do not mean it is false because you got nothing
22 instead of one dollar, do you?

23 A No. I think we understand what is meant by that.

24 Q So the first you heard of an allegation taking you to the
25 Kennedy assassination, I think you testified, was in 1975 and

1 that was Weberman and Dick Gregory, repeated in the Miami
2 Herald, Miami News and the AP is that right?

3 A That is to the best of my recollection, yes.

4 Q Then the book came out, "Coup D'Etat in America"?

5 A Then the book was published.

6 Q All the information that you complained about?

7 A I am sorry.

8 Q Was all of the information you complained about in the
9 Complaint, and obviously much more as well, because of the
10 whole book?

11 A It was the whole book.

12 Q Did you hold a press conference of any kind to deny these
13 serious charges against you?

14 A I did.

15 Q Did you at that time say, "I can prove where I was on that
16 November 22, 1963 just as ever adult America can today, 1963 I
17 know where I was, who I talked with, and who I was with and
18 these are the people who are my witnesses."

19 Did you say anything like that?

20 A I said, "Yes." What I said the first part of it, but I
21 never named my witnesses.

22 Q Never did?

23 A Never did.

24 Q Was there a reason for that?

25 A There was because I was involved in litigation.

1 Q Litigation is it not sometimes required that you name your
2 witnesses?

3 A Sometimes under certain circumstances, yes.

4 Q Isn't that one of rulings of this court that you exchange
5 lists of witnesses?

6 A Calling for a legal conclusion, Counselor.

7 Q Well did you take any depositions from witnesses in the
8 Weberman case, who were going to assert that they knew where
9 you were November 22, 1963?

10 A To the best of my recollection, we did not.

11 Q What was the reason for that?

12 A It was a decision made by my then attorney.

13 Q Mr. Rubin?

14 A Mr. Rubin.

15 Q You discussed it with Mr. Rubin?

16 A I am sorry, what?

17 Q Did you discuss this question with Mr. Rubin?

18 A No, he was at liberty to depose who he wanted to depose.

19 Q At that time, how many of the witnesses who you have now
20 referred to, who are no longer alive at that time, how many of
21 them were alive?

22 A The ones who were alive and might have been deposed during
23 another deposition exercise in Washington was Mary Trainer.

24 Q She was alive. She was alive after you filed the lawsuit?

25 A She was alive at the time I filed the lawsuit. She was

1 alive at the time that Messrs. Helms and Angleton were deposed
2 by Weberman in Washington. She was not depose. She was
3 noticed, but I guess it got late in the day and they decided
4 not to. Subsequently she died.

5 Q Your attorneys have, as you know, submitted to us, and it
6 has been read to the jury, to the prospective jurors, as a
7 matter of fact, the names of those who will be witnesses in
8 this case. Is that correct?

9 A I believe so, yes.

10 Q You were here, it was yesterday? --

11 A I was here yesterday morning. It seems like a year ago.

12 Q Do you know what an alibi witness is, do you not?

13 A I do.

14 Q What is an alibi witness?

15 A An alibi witness as a witness who places you at a particular
16 particular place, at a particular time; particular place, at

17 Q Other than where someone else says you?

18 A I don't know if that is part of it or not.

19 Q How many alibi witness do you intend to call at this
20 trial?

21 A I would have to ask counsel for the answer.

22 Q I take it you mean your counsel, not me?

23 A My attorney, yes.

24 Q Were you here when he gave the names of those who were
25 going to testify in this case?

1 A Yes.

2 Q Who did he list?

3 A I think he listed Walter Kuznuk and Connie Hicks Mazerov.

4 Q Have you talked to Mr. Kuznuk about what he might say in
5 this case?

6 A Well, some years ago, I did, yes. I received an affidavit
7 from him and subsequently he was depose, and I read his
8 deposition.

9 Q When you said you testified a little earlier you drove to
10 work with Mr. Kuznuk on November 22, 1963--

11 A Right.

12 Q Is that correct?

13 A Right.

14 Q You remember that clearly?

15 A I do.

16 Q Have you ever had any doubt about that?

17 A Well, I think at one point, I thought I might have driven
18 in, but then because of later events that transpired that day,
19 the fact that I drove home from work with my wife, I certainly
20 wouldn't have left Mr. Kuznuk in central Washington without a
21 car.

22 So I must have come in with him that morning, as it
23 was our custom to share the driving burden.

24 Q My question is: Have you ever said anything other than
25 that in any hearing or testimony?

1 A I was in Washington, D.C., that I was in Washington, D.C.

2 Q No.. You have to wait?

3 A I am sorry. -- --

4 Q Have you ever said at any forum or ever at a hearing
5 testimony anywhere, that you did not believe that you drove to
6 work on November 22, 1963, with Mr. Kuznuk?

7 A I cannot imagine ever having done that.

8 Q Do you recall what you talked about when you were in the
9 car with Mr. Kuznuk?

10 A No, not how many years later? Twenty odd years later, I
11 have no recollection.

12 Q People sometimes, is it not true, tend to remember events
13 surrounding their knowledge of the death of President Kennedy,
14 where they were, who they talked to?

15 A That is true in my case, events immediately subsequent to
16 the death of President Kennedy. I cannot remember, of course, of President
17 example, what I had for breakfast that morning.

18 Q Did you read the report of the Rockerfeller Commission?

19 A I read part of it.

20 Q Did you give them information?

21 A I gave them about twenty-three photographs of mine.

22 Q When Mr. Kuznuk drove you to work was that because you
23 were on duty that day at the CIA?

24 A Duty every day, yes, sir.

25 Q Well, do you know that the Rockerfeller ommission

1 concluded quote, "Hunt could not recall whether he was on duty
2 with the CIA on the morning of that day," and that day, they
3 are referring to quite clearly from the context, is November
4 22, 1963.

5 Did you know that the Rockefeller Commission
6 published that conclusion?

7 A Yes. I do know that.

8 Q Do you know why the Rockefeller Commission--

9 A I think because they didn't ask me where I was.

10 Q Of course, the conclusion is not that they did not ask
11 you, the conclusion is that Hunt could not recall whether he
12 was on duty with the CIA on the morning of that day.

13 Do you know why they reached that conclusion?

14 A I would have no idea.

15 Q You know they reached that conclusion?

16 A It is published, that's correct. Whether I was on annual
17 leave, on sick leave or reporting in is of little consequence.

18 Q Did you use any sick leave in the two-week period ending
19 November 23rd, 1963?

20 A It is possible, I have no recollection of it.

21 Q Did the Rockefeller Commission conclude that you used
22 eleven hours of sick leave in the twoweek period ending
23 November 23rd, 1963?

24 A If that is what they found, they had access to agency
25 records. I did not.

1 Q I am asking you if you know whether or not they concluded
2 that?

3 A If you say so, yes. I will accept that.

4 Q I don't want you to rely upon me. If there is any
5 question in your mind, I am asking you if you know that they
6 said it?

7 A You have it in your hand, why don't you show it to me.

8 Q I will show it to your lawyer, then I will show it to you.
9 It is Defendant's Exhibit L for identification, Page 254 and
10 255 of the Rockerfeller Commission.

11 Your attorneys of compared this to the entire volume.

12 It is two pages. I ask you to read this paragraph?

13 A Read it a loud.

14 Q To yourself, please?

15 A If the agency said that I took eleven hours of sick leave
16 in the two-week period prior to November 23rd, 1963, it is peric
17 fine with me. fine with me.

18 Q First question about this is: Is it true that the
19 Rockerfeller Commission concluded that you took eleven hours
20 of sick leave in the two-week pay period ending November 23,
21 1963?

22 A How many hours.

23 Q Eleven hours of sick leave?

24 A Yes.

25 Q In the two-week pay period ending November 23, 1963.

1 MR. SNYDER: Objection, your Honor. The report
2 speaks for itself, and also, this is not under the section
3 labeled conclusions. --

4 Mr. Lane keeps calling it a conclusion. There is a
5 section of the report called a conclusion. That is completely
6 different from what he is reading.

7 MR. LANE: I am not offering the report, I am asking
8 a question.

9 THE COURT: Do you understand the question or do you
10 want it rephrased for you?

11 THE WITNESS: I would like the question repeated.

12 BY MR. LANE:

13 Q Did the Rockefeller Commission Report, on Page 2254,
14 about you used no annual leave and eleven hours of sick leave
15 in the two-week pay period ending November 23, 1963?

16 A That is exactly what it says.

17 Q Is that true, to the best of your knowledge?

18 A I have no independent recollection, Counselor. They had
19 access to the agency records and I did not.

20 Q Could you have used any of those hours of sick leave on
21 November 22, 1963?

22 A No.

23 Q How about November 21, 1963?

24 A That is possible.

25 Q I think you testified you met Mr. Kuznuk around noon time

1 or you saw him around noon time, is that correct? On November
2 22, 1963?

3 A I saw him after his lunch was over at Duke Zeiberts and he
4 was on Pennsylvania Avenue. I had not had my lunch at that
5 point, and my I think it would be more helpful if you will--if
6 we take it chronologically.

7 Of course, you don't have to have it that way, but it
8 will make my responses a little lengthier.

9 Q My question is did you testify earlier that you saw Kuznuk
10 at about noon with John Suckard of the CIA?

11 A Midday.

12 Q You did not say noon?

13 A That is not my recollection. If I said noon, I meant
14 midday.

15 Q Was that the second time you saw Mr. Kuznuk on November 22,
16 1963?

17 A I saw him when we came into work, I probably saw him at the
18 office, saw him on Connecticut Avenue at about L Street midday
19 after the Kennedy assassination.

20 Q Do you know Mr. Kuznuk testified he did not drive with you
21 to Washington D.C, on November 22, 1963?

22 A No, I don't know that.

23 MR. SNYDER: Objection.

24 THE COURT: Grounds.

25 MR. SNYDER: Mischaracterization of Mr. Kuznuk's

1 testimony.

2 THE COURT: Overruled. The answer is, he does not
3 know that. --

4 BY MR. LANE:

5 Q I am going to show you the transcription of a sworn
6 deposition given by Mr. Kuznuk in this case on Thursday June
7 28, 1984, in the presence of your attorney, and ask you if
8 that is what this document purports to be. It is Exhibit M
9 for identification?

10 A That is what it purports to be.

11 Q Do you have a copy, Mr. Snyder.

12 MR. SNYDER: Yes.

13 BY MR. LANE:

14 Q Question, Page 11. Buy me, to Mr. Kuznuk my:

15 "Question: During the week ending November 22, 1963,
16 did you come to Washington in a car? I am not
17 talking about rotation, or any other period of time.

18 "Answer: Well, the only car pool I had was with Mr.
19 Hunt, and I think that is what we are pointing at is
20 the 22nd of November, correct?

21 "Question: That is the date we are pointing to, that
22 is correct.

23 "Answer: So on that date, I drove because Mr. Hunt
24 was not with me that day until I met him on the
25 avenue, as I stated in here. Now, on the 21st, I

1 don't know."

2 Did you know Mr. Kuznuk so testified?

3 A No.

4 Q Have I mischaracterized his testimony, when I told you Mr.
5 Kuznuk testified that he did not drive with you on November
6 22, 1963?

7 A That calls for a legal conclusion.

8 Q Is there any doubts in your mind after hearing this, as
9 to--

10 A He said he didn't drive with me to work that morning, but
11 did he see me later on during the day.

12 My recollection is that we went to work together,
13 that my wife brought my car in at noon, and I went home with
14 her. Mr. Kuznuk proceeded home in his own car.

15 Q Did you see Mr. Kuznuk later that day, other than as you
16 drove past this restaurant?

17 A I don't recall that I did, no, since we were all gathered
18 around their television sets watching the news of the moment.

19 Q Did you see him for the next several days?

20 A I don't think I saw Wally again until after the
21 President's services the following Monday or so. The
22 Government offices were all closed as they were that Friday
23 afternoon.

24 Q Which assertion do you now believe to be correct, Mr.
25 Hunt, your original assertion, that you drove to work in the

1 same car with Mr. Kuznuk on November 22, 1963.

2 • Your assertion that Mr. Kuznuk is going to be an
3 alibi witness for you, and Mr. Kuznuk's testimony at the
4 deposition that he did not drive to work with you on November
5 22, 1963. Which do you now believe to be correct?

6 A Well, it is not a question of either or counselor.

7 Q It is not?

8 A No, his not.

9 Q Is it possible that Mr. Kuznuk is correct; when he states
10 that he did not drive to work with you on November 22, 1963;
11 or that you are correct; when you state that you did drive to
12 work with Mr. Kuznuk on the morning on of November 22, 1963?

13 A There was no other way I could have gotten in to work that
14 morning. I would have had to driven in with him.

15 Q My question is: Is it possible that both of your
16 statements made on under oath are correct?

17 A Well, in theory, I drove in with him, in which case my
18 statement is correct? Or I did not drive in with him, in
19 which case his statement is incorrect.

20 Q In view of your now hearing the testimony of Mr. Kuznuk
21 taken in deposition while he was under oath and with your
22 attorney present, I am now asking you if that refreshes your
23 recollection, as to whether or not you did or did not drive in
24 to work with him on November 22, 1963?

25 A No, it has no bearing at all on my recollection.

7
1 Q Is it your belief then, is it not, that Mr. Kuznuk's
2 testimony is inaccurate?

3 A In that one respect, yes.

4 Q Do you recall making a statement under oath that you might
5 have gone to work by bus on November 22, 1963?

6 A I made that speculation at one time, since then I have
7 reconsidered and my firm belief is that I rode in to work with
8 Wally Kuznuk that morning. He had a car there. He came back
9 with it. I came back in independently with my then wife.

10 Q I am showing to Mr. Snyder Defendant's Exhibit N for
11 identification, which is your deposition taken in this case on
12 July 11, 1984.

13 It is Defendant's Exhibit N, Mr. Hunt, a transcript
14 of the deposition which you gave on July 11, 1984?

15 A Yes.

16 Q Do you recall giving this deposition? Do you recall

17 A I do.

18 Q Do you recall being asked this question, this is page 26,
19 top of the page, first question. Do you recall being asked
20 this question, Mr. Hunt, and giving this answer:

21 "Question: I take it since your wife arrived in
22 Washington after you did, on November 22, 1963, that
23 you did not come to D.C. in your own vehicle that
24 day?

25 "Answer: We always had two cars, but my since we all

1 went home in the one car, my recollection is that I
2 must have come in with Mr. Kuznuk that morning or
3 come in by bus, which was another alternative way of
4 coming in."

5 Do you recall being asked that question and giving
6 that answer?

7 A I do.

8 MR. SNYDER: Would you read the next two lines?

9 MR. LANE: I don't think it is appropriate for Mr.
10 Snyder addressing me.

11 THE COURT: Under the rule, if it should be read for
12 continuity.

13 MR. SNYDER: It should be.

14 THE COURT: Do you want me to look the at it?

15 MR. LANE: I would like an opportunity to proceed
16 without being told how to proceed by Mr. Snyder.

17 THE COURT: I am telling you--

18 MR. LANE: I was about do read the next question, but
19 I don't think it is appropriate to be dictated to buy a
20 colleague.

21 THE COURT: I guarantee you nobody dictates to
22 anybody around here. He is addressing me, and I will look at
23 it, if you want me to, otherwise we will decide.

24 MR. SNYDER: I would like to.

25 THE COURT: Under the rule it should or should not be

1 read at this time. Do you want to come forward, Counsel.

2 * THE COURT: Rule 106, it should be considered
3 contemporaneously.

4 MR. LANE: I was about to read it, I don't know what
5 there is to read now.

6 (Sidebar conference off the record.)

7 BY MR. LANE:

8 Q Do you recall being asked that question and making that
9 answer?

10 A You are not reading from anything now--this is, I have
11 lost phase, Counselor. I am out of phase with you reading
12 from a document or asking me a question.

13 Q I am not even sure any more.

14 THE COURT: Let's back start back, read what the
15 Plaintiff's counsel requested to be read.

16 BY MR. LANE:

17 Q Page 26, you were asked this question, and did you make
18 this answer:

19 "Question: I take it since your wife arrived in
20 Washington after you did on November 22, 1963, that
21 you did not come to D.C. in your own vehicle that
22 day?

23 "Answer: We always had two cars, but my since we
24 all went home in the one car, my recollection is
25 that I must have come in with Mr. Kuznuk that

1 morning or come in by bus, which was another
2 alternative way of coming in."

3 Were you asked that question and did you make that
4 answer?

5 A I was and did.

6 Q I am sorry?

7 A I was asked that question and I did make that answer.

8 Q Then you were asked:

9 "Question: Which do you think you did do?

10 "Answer: I think I came in by car with Mr. Kuznuk."

11 Do you recall being asked that question and giving
12 that answer?

13 A I do.

14 Q Do you recall being asked this question:

15 "Question: What kinds after car did he have, do you
16 recall?

17 "Answer: He had a couple of them. The one we used
18 mostly was, I think, a Morris Minor, a small British
19 car?"

20 A Yes.

21 Q You do recall testifying that there were two ways that you
22 might have come in one was with Mr. Kuznuk or you might have
23 come in by bus, is that correct?

24 A That is correct. In the summer time, I use the bus
25 occasionally. This was late November and the weather was poor

1 so chances are I wouldn't of come in by bus..

2 Q In addition to the testimony that you gave earlier in this
3 case in July, that you may have come in by bus, according to
4 that--Mr. Kuznuk's statement that you were not in the car with
5 him, does that tend to make you believe that perhaps you did
6 come into Washington by bus that day?

7 A No, on the contrary, for the reason I just gave.

8 This was late November, the weather was not terribly
9 pleasant and if it had been anyway of avoiding the walk to the
10 bus stop, the wait there, I would have certainly come in with
11 Wally.

12 Q Did your wife ever drive you to the bus stop?

13 A No.

14 Q Never?

15 A Well, we had a child that was about two months old. She
16 was nursing the child, so after the birth of the child she came
17 September 1st, I rode in with Mr. Kuznuk most of the time.

18 Q She did drive around alone with the child in the car
19 didn't she?

20 A Two and a half months after his birth, yes.

21 Q In fact, she drove to Washington, D.C., according to your
22 testimony.

23 A Right.

24 Q On November 22, 1963, with the two and a half month old
25 child in the car?

1 A That's right, and picked me up and drove me to the Chinese
2 area of Washington. I stayed in the car with the minor child
3 while she went about her business.

4 Q Were you deposed in the Weberman case? When I say
5 Weberman case, I am referring, so you will know and everybody
6 in the courtroom will know, for the lawsuit you filed against
7 the authors of Coup D'Etat, which was dismissed on the day of
8 trial?

9 A Yes.

10 Q Was a deposition taken of you?

11 A At least one.

12 Q In that deposition were you asked for the names of alibi
13 witnesses to establish your presence in Washington, D.C., on
14 November 22, 1963?

15 A I may have been.

16 Q The testimony which you gave at a deposition in the
17 Weberman case has been marked as Defendant's Exhibit O for
18 identification, and is being shown to your counsel at this
19 time.

20 MR. SNYDER: Do you know what pages?

21 MR. LANE: Twenty-four through twenty-eight.

22 THE COURT: Let proceed, please.

23 BY MR. LANE:

24 Q I am showing you Defendant's Exhibit O for identification,
25 which purports to a deposition taken in your case against

1 Weberman et al.,

2 * I am asking you to look at pages twenty-four through
3 twenty-eight? -- --

4 A Counsel, do we have a date on this?

5 Q As you know, I was not involved in that case. Your
6 attorney participated and there is no date.

7 There is a date when it was filing?

8 A Filing number.

9 Q July 1977 is when it was filed with the court, on the 6th.

10 A I want to get the year.

11 Q It answer to be July '77.

12 The date it was filed, I don't know when it was
13 taken.

14 THE COURT: Let's proceed with a question.

15 BY MR. LANE:

16 Q Have you read those pages twenty-four threw twenty-eight?

17 A I am sorry.

18 Q Have you finished.

19 THE COURT: Reading Page 24 through twenty-eight?

20 THE WITNESS: I did not know he wanted me to read it.
21 I started with the first clip here.

22 BY MR. LANE:

23 Q Pages twenty-four through twenty-eight?

24 A Very good.

25 Q The areas I will be directing the questions to?

1 A All right?

2 Up to twenty-eight.

3 Q Yes, inclusive. -

4 In reading that deposition, does that refresh your
5 recollection as to the questions and answers, the colloquy
6 that took place about your testimony regarding alibi witnesses
7 for November 22, 1963?

8 A As I gave them in approximately July of 1977, yes.

9 Q Did you testify that you were not in Dallas on November
10 22, 1963, you were in Washington on that day?

11 A It has been consistent testimony of mine, yes, sir.

12 Q Did you testify that you were with--you were asked who you
13 were with that day, and did you say there was a large number
14 of people?

15 A I did.

16 Q Did you mention Mr. Kuznuk's name as any one who saw you
17 on November 22, 1963, either he--they were at your house, in
18 the car, in the office or outside of the restaurant?

19 A I had not remembered him. In fact, it I did not recall
20 the incident until he wrote my then attorney and volunteered
21 to prepare an affidavit.

22 Q When was that?

23 A Well, I have his affidavit. I would say 1978, '79
24 somewhere around in there.

25 Q You said you have that affidavit.

1 A Yes, and I believe you do to.

2 Q This is the very affidavit I asked, your attorney before
3 the trial began,--just a few days ago, and they said you did
4 not have it. Do you know that?

5 MR. SNYDER: Objection.

6 THE COURT: Sustained. Objection sustained.

7 MR. LANE: May we approach the bench.

8 THE COURT: If you have an affidavit give it to him.

9 MR. LANE: He said Mr. Hunt asked for it.

10 MR. SNYDER: Objection, he never asked for that.

11 THE COURT: Your violating rule one number, talks
12 louder in this court than I do.

13 MR. LANE: May we have the affidavit?

14 THE COURT: Don't violate rule one again. If you
15 have an affidavit, give it to him.

16 MR. SNYDER: May we approach bench?

17 (Sidebar conference follows:)

18 MR. SNYDER: I strongly object to Mr. Lane's colloquy.
19 He never asked for this affidavit. He has repeatedly asked us
20 in requests for production of a letter Mr. Kuznuk wrote to Mr.
21 Rubin, Mr. Hunt's attorney. That letter is not in existence
22 which we were not an able to produced it.

23 He never asked for this. I made him aware an
24 affidavit existed. He knew it existed, he never asked us for
25 this. I am willing to given it to him right now. I would ask

1 the Court if the court would admonish the jury to disregard
2 the statements Mr. Lane made. He asked us for something. He
3 refused to give to him until today in trial. It is
4 prejudicial.

5 MR. LANE: On Sunday at the Marina Park Hotel in
6 Miami, in the suite occupied by Mr. Dun, I was present with--

7 THE COURT: Suite?

8 MR. LANE: Yes, your Honor its shocking.

9 THE COURT: It is shocking.

10 MR. LANE: Mr. Snyder, myself, and my secretary, two
11 rooms in this very modest suite occupied by the plaintiff's
12 attorneys, your Honor, and in the presence of Mr. Lee and Miss
13 Witmore.

14 THE COURT: I am not one to take interested in all
15 this.

16 MR. LANE: I asked for the letter that we heard was
17 an affidavit form and said specifically--

18 THE COURT: If you had a misunderstanding--

19 MR. SNYDER: I think--

20 MR. LANE: Its kind of you to characterize it that
21 way.

22 MR. SNYDER: I remember--I would like to put on the
23 record. Over the period of this action, we met blanket
24 requests for documents relating to this entire subject, not
25 knowing what existed and what did not.

1 THE COURT: I will not get my blood pressure up.

2 MR. SNYDER: We asked for Liberty Lobby's financial
3 records and you never-gave it.

4 (Sidebar conference concluded.)

5 THE COURT: I have instructed you five times now
6 whatever counsel may say to you or any form of objection or it
7 may not be considered by you as any evidence in this case.

8 Everybody still with me? Whatever they may have said
9 does not have a thing to do with this case, correct? You will
10 take it from the evidence, from the witnesses and exhibits
11 that I admit.

12 In this great country of ours we use an advocacy
13 providing when you get late in the afternoon everybody gets a
14 little fisty, so you have to sit on them and make everybody be
15 quiet. They are together doing a great job on both sides, but
16 don't take anything they say at any time, as any evidence in
17 this case or your instruction on the law, everybody
18 understand.

19 Has the evidence affidavit be furnished?

20 MR. LANE: Yes.

21 THE COURT: Let's proceed.

22 Q Did Mr. Kuznuk send a letter to your attorney?

23 A He did.

24 Q Have you seen it?

25 A I saw it shortly after Mr. Rubin referred to it me me yes....

1 Q At your deposition did Mr. Snyder say a letter that looks
2 like an affidavit that we have?

3 A I cannot be for responsible for what Mr. Snyder said, I
4 think you are confusing apples and oranges.

5 Q Thank you for your assistance. Could you answer my
6 question?

7 THE COURT: Counsel.

8 BY MR. LANE:

9 Q Answer my question.

10 Did Mr. Snyder state in your presence at your
11 deposition--excuse me--a letter that looks like an affidavit
12 that we have.

13 MR. SNYDER: I object.

14 THE COURT: Overruled.

15 BY MR. LANE:

16 Q Did he say that?

17 A He may have.

18 Q I show you Page 24 of your testimony Defendant's Exhibit
19 N.

20 Does it read as follows:

21 "During the"--

22 Down at the bottom of 23, question, by me to you:

23 "Question: Have you seen that letter that Mr. Kuznuk
24 sent to your attorney?

25 "Answer: Have I seen it.

1 "Question: Yes.

2 "Answer: Yes I have seen it.

3 "Question: Do you have a copy of it with you?

4 "Answer: No.

5 "Mr. Snyder: Excuse me, the letter that looks like
6 an affidavit that we have."

7 Did Mr. Snyder say that in your presence?

8 A Yes.

9 Q Do you have that letter that Mr. Kuzmuk sent to your
10 attorney, the letter which you testified that you had seen?

11 A Just to be entirely clear, what we were talking about--we
12 were talking about a letter address to me via my then attorney
13 Mr. Rubin.

14 We are also talking about an affidavit which was
15 subsequently furnished me by Mr. Kuzmuk. The letter that he
16 sent to my attorney for me I do not have. The affidavit I
17 have.

18 Q When did you last see the letter that Mr. Kuzmuk sent to
19 your attorney?

20 A I can't even remember what year he sent it to me. I would
21 say what is the date of the affidavit, Counselor? That would
22 be a help?

23 Q I will show you the affidavit.

24 The affidavit is dated February 6, 1979. It is
25 Defendant's Exhibit P. Defendant's Exhibit P for

1 identification?

2 A All right.

3 MR. SNYDER: What letter.

4 THE COURT: Don't address opposing counsel.

5 MR. SNYDER: I did not here the designation.

6 THE COURT: Then you may ask me.

7 MR. SNYDER: Yes.

8 THE COURT: You may, don't ask him.

9 MR. LANE: Can I team him.

10 THE COURT: No.

11 Tell him, Counsel.

12 MR. LANE: I will show it to him.

13 THE COURT: Okay that will take care of it.

14 BY MR. LANE:

15 Q When did you last see the letter which Mr. Kuzmuk sent to
16 your attorney?.

17 A Some time before he furnished the affidavit which is dated
18 February of 1979.

19 Q When you testified in the Weberman case, did you attempt,
20 to the best of your recollection at that time, to answer the
21 question about all of the people you had seen on November 22,
22 1963?

23 A I made such an attempt, yes.

24 Q You did not mention Mr. Kuzmuk?

25 A It is not in the record. No, I did not mention him.

1 Q You just read the record, is it in the record?

2 A Read what record, sir?

3 Q Your testimony in the Weberman case pages twenty-four to
4 twenty-eight, which is the Defendant's Exhibit O. Would you
5 like to see it again?

6 A No, I just where we are shifting years so frequently.
7 Here, give me a date. What year was it?

8 Q We could not get a date?

9 A The filing was '79.

10 Q July 6, 1977. Would you like to see it again?

11 A No. I am just trying to get it in focus. We are shifting
12 pretty rapidly here.

13 Q Are we all together now?

14 A I hope so.

15 Q In July of 1977, did you attempt to give all of the names,
16 of the persons you had seen or had seen you on November 22nd?

17 A I did, indeed, and I omitted Mr. Kuzmak's name and it was
18 not brought to my attention until a letter arrived a couple of
19 years later from him reminding me we had been together on that
20 particular day.

21 Q You intended to present two alibi witnesses at this trial,
22 Mr. Kuzmak and Miss Mazaroff.

23 Did you mention Miss Mazaroff's name--

24 A No, I did not.

25 Q --in 1977?

1 A Not in 1977 I do not think.

2 Q I will show it to you again.

3 A Her name was ~~then Hicks~~.

4 Q Did you mention Hicks?

5 A No.

6 Q You said several times in your testimony about this has
7 been entirely consistent in each of your appearances.

8 A I said that my testimony as to where I was in Washington,
9 D.C., on the day of our President's assassination has been
10 entirely consistent.

11 I never said I was any place but Washington, D.C., on
12 that day.

13 Q In 1977 when under oath in a lawsuit which you had brought
14 against Webberman and others, when asked to give the names of
15 the persons you had seen on November 22, 1963, you did not
16 mention Kuzmak and you did not mention Mazaroff, is that
17 correct?

18 A That has been established.

19 Q And they will be your two alibi witnesses at this trial?

20 A They will be two alibi witnesses at this trial, that is
21 correct.

22 Q Today did you mention Mr. and Mrs. Raymond Thomas when I
23 asked you to list every single person you would recall seeing
24 on November 22, 1963?

25 A No, I did not.

1 Q But in 1977, did you mention Mr. and Mrs. Raymond Thomas
2 as two alibi witnesses?

3 A I did.

4 Q Today when I asked you to list every single person who you
5 saw on November 22, 1963, did you mention any neighbors?

6 A I did not mention any neighbors.

7 Q In 1977 when you were asked the same question, did you say
8 they were neighbors?

9 A I did.

10 Q A year after you testified at a deposition in the case
11 which you had brought against Webberman, a year after that,
12 you testified before the House Select Committee on
13 Assassinations, is that correct?

14 A Well, a year later means what year?

15 Q November 3, 1978.

16 A I forced my way on the committee.

17 Q You wanted them to know you could prove through alibi
18 witnesses and other witnesses that you were in Washington,
19 D.C., on November 22, 1963?

20 A That is correct.

21 Q You gave some authority because of these terrible charges
22 as to how you could most effectively convince them you were
23 there in Washington, is that correct?

24 A That is a fair characterization, yes.

25 Q You did not mention Kuzmak on that day, did you? You did

1 not tell the House Select Committee on Assassinations you had
2 ever seen Mr. Kuzmak on November 22, 1963, did you?

3 A No, because I do not think that he had revealed his
4 presence to me. At that time, I was unaware he would write a
5 letter to me.

6 Q He was in the car with you on the morning of November 22,
7 1963, according to your sworn statement, is that correct?

8 A That is correct.

9 Q You saw him later in the day, just after you were leaving
10 Chinatown in Washington, D.C., is that correct?

11 A That is correct.

12 These are matters he reminded me of when he resumed
13 the contact with me.

14 Q It was not a question of his revealing his presence. It
15 was a question of refreshing your recollection. Is that
16 correct?

17 A Fair characterization, yes.

18 Q When you went before the House Select Committee on
19 Assassinations, desperate to convince them that you were in
20 Washington not in Dallas, you never mentioned your other alibi
21 witness, Miss Mazaroff?

22 A I thought I did.

23 Q Maybe I am wrong. Let us take a look at the testimony.

24 The document you had for many years, I take it, and
25 which we have just received, we will mark it.

1 MR. SNYDER: We would object to Mr. Lane's
2 characterization, having just received it from your attorneys.

3 THE COURT: You will disregard the statement that any
4 lawyers made.

5 Overruled.

6 They will not pay attention to it.

7 MR. LANE: They will not pay attention to anything I
8 say?

9 THE COURT: Certainly not, as evidence in the case.

10 MR. LANE: This is Defendant's Exhibit Q for
11 identification.

12 Do you want to see it?

13 MR. SNYDER: Fine.

14 BY MR. LANE:

15 Q This is dated November 3, 1978, and purports to be an alibi
16 deposition which was taken of you by the House Select Committee on
17 Assassinations on that date, is that correct?

18 A Yes.

19 Q Take your time and go through it and tell me if you can
20 find a place where you told the House Select Committee on
21 Assassinations that Connie Mazaroff was an alibi witness for
22 you.

23 I will withdraw that question.

24 Were you asked by the House Select Committee on
25 Assassinations for the names of your alibi witnesses?

1 A I do not know. I imagine I volunteered them.

2 Q The subject was addressed by you, was it not, Page 6?

3 A What page? --

4 Q Do you see that subject as addressed by you?

5 A Addressed by me in my initial statement to the committee,
6 yes.

7 Q Did you mention Connie Mazaroff either by that name or any
8 other name?

9 A Not in my statement, no.

10 Q Did you mention anywhere in your testimony?

11 A I will reply after I have examined my testimony.

12 Q Perhaps we will ask you that question again tomorrow so
13 you can examine it overnight and not keep the Court tied up.

14 THE COURT: Why don't you ask any other questions on
15 this subject and we will give him the evening to go over that?

16 Did you have any further questions on the subject?

17 MR. LANE: Just a few more.

18 BY MR. LANE:

19 Q Did you begin your appearance before the House Select
20 Committee on Assassinations by reading an opening statement?

21 A I did.

22 Q Who prepared that statement?

23 A I did.

24 Q Was it several pages long?

25 A It was.

1 Q Had you given some authority to it before you prepared it?

2 A Yes.

3 Q Was it a very serious matter for you?

4 A Extremely.

5 Q In preparing Paragraph No. 4 which appears on Page 6 of
6 that deposition, were you presented the names of the alibi
7 witnesses for you and describe what you did that day?

8 Did you mention that you drove to the CIA building
9 with Kuzmak?

10 A The CIA office, no.

11 Q Did you mention that you saw Kuzmak outside the
12 restaurant?

13 A Counselor, I was not aware. I forgot about the Kuzmak
14 connection until he wrote the letter to me some months later.

15 Q Did you mention that you had spent part of November 22, 1963,
16 with Connie Mazaroff in your prepared statement?

17 A NO.

18 Q Is it true that the only two alibi witnesses you will
19 present at this trial are those persons who you did not tell
20 the House Select Committee on Assassinations about when you
21 testified there?

22 A That is correct.

23 MR. LANE: I think that is all on this question.

24 THE COURT: I have five defendants that I need to
25 sentence in the morning. It should take me a half hour.

1 We will let you be in recess until tomorrow morning
2 at 9:30.

3 Same instructions that I have given you heretofore
4 and it is most important, of course, that you do not express,
5 form any opinion about the merits of this case and certainly
6 not to discuss it with anyone and, above all, you will not let
7 or attempt anybody to discuss it with you in any fashion.

8 If they should do so, report it to me immediately.

9 Any other requested instructions from the plaintiff?

10 MR. SNYDER: No.

11 THE COURT: From the defendant?

12 MR. LANE: No.

13 THE COURT: Thank you.

14 You will be excused until tomorrow morning at 9:30.

15 (Proceedings adjourned until January 30, 1985, at
16 9:30 a.m.)

17
18
19
20
21
22 I certify that the foregoing is a correct
23 transcript from the record of proceedings
24 in the above-entitled matter.

25 11-15-85 Paul C. Haperling
Date Official Court Reporter

ELLIS RUBIN LAW OFFICES, P.A.

265 NORTHEAST 26TH TERRACE

MIAMI FLORIDA 33137

(305) 576-5600

ELLIS S. RUBIN
CRIMINAL LAW

PERSONAL INJURY AND WRONGFUL DEATH
REGISTERED GENERAL PRACTICE

NELSON A. FAERBER, JR.
CHARLES H. SINCLAIR

IN ASSOCIATION WITH
LAW OFFICES OF
ELLIS RUBIN

AND
NELSON A. FAERBER, JR.
900 SIXTH AVENUE SOUTH
SUITE 100
NAPLES, FLORIDA 33940
(813) 262-6161

August 22, 1978

August 21, 1978

Editor and Publisher,
Spotlight Magazine
300 Independence Avenue, S. E.
Washington, D. C. 20003

Dear Sir:

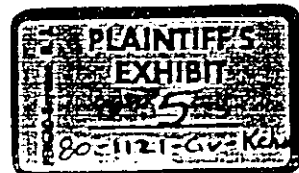
Dear Sir:

This office is legal counsel for E. Howard Hunt, and pursuant to Chapter 770, Florida Statutes, you are advised as follows:

In the August 14, 1978, issue of the weekly newspaper, THE SPOTLIGHT, Volume IV, No. 33, you have caused to be printed, published, circulated and distributed in the Miami, Dade and Broward County, Florida area, and other areas of the United States, area, and on an article beginning on page 4, headlined: "CIA TO ADMIT BEGINNING ON PAGE HUNT INVOLVEMENT IN KENNEDY SLAYING. Also, the first head line on the front page of the issue says: "CIA TO ADMIT HUNT INVOLVEMENT IN KENNEDY KILLING. These two headlines are false and defamatory, untrue and libelous, and subject to the hatred of the community and to any readers of said issue of your newspaper. Mr. E. Howard Hunt had nothing whatsoever to do, ever to do, and was not involved in any way with the Kennedy killing or slaying; in addition, the Central Intelligence Agency has not, will not, and cannot admit to Mr. Hunt's involvement because there was none.

The article referred to above is authored by one Victor Marchetti. The article itself contains several false, defamatory, untrue, libelous and scurrilous statements, which have been printed and circulated with your knowledge and consent and in the scope of his employment by your newspaper. On page 4 appears the following allegations:

"Chief among those to be exposed by the new investigation will be E. Howard Hunt, of Watergate fame. His luck has run out, and the CIA has decided to sacrifice him to protect its clandestine services. The agency is furious with Hunt for



Weberman and Canfield investigated the new alibi and found that the grocery store where Hunt claimed to be shopping never existed. At this point, Hunt offered to drop his suit for a token payment of one dollar. But the authors were determined to vindicate themselves, and they continued to attack Hunt's alibi, ultimately completely shattering it.

Now, the CIA moved to finger Hunt and tie him to the JFK assassination. HSCA unexpectedly received an internal CIA memorandum a few weeks ago that the agency just happened to stumble across in its old files. It was dated 1966 and said in essence: "Some day we will have to explain Hunt's presence in Dallas on November 22, 1963 - the day President Kennedy was killed. Hunt is going to be hard put to explain this memo, and other things, before the TV cameras at the HSCA hearings."

Hunt's reputation as a strident, fanatical anti-communist will count against him. So will his long and close relationship with the anti-Castro Cubans, as well as his penchant for clandestine dirty tricks and his various capers while one of Nixon's plumbers. E. Howard Hunt will be implicated in the conspiracy, and he will not dare to speak out - the CIA will see Hunt will be to that."

The foregoing allegations and the headlines were authored, printed, published and circulated in bad faith. The falsities contained therein were not due to an honest mistake of the facts, nor were there reasonable grounds for believing that the statements in said article were true. It is, therefore, demanded that, within ten (10) days after receipt of this Notice, a full and fair correction, apology, and retraction be published in a corresponding issue of your newspaper, in as conspicuous place and type as was the said original article.

PLEASE GOVERN YOURSELF ACCORDINGLY.

Very truly yours,

ELLIS RUBIN LAW OFFICES, P.A.

ELLIS S. RUBIN

ESR/bg

ESR/bg

having dragged it publicly into the Nixon mess and for having blackmailed it after he was arrested and rested.

Besides, Hunt is vulnerable - an easy target, as they say in the spy business. His reputation and integrity have been destroyed. The death of his wife, Dorothy, in a mysterious plane crash in Chicago still disturbs many people, especially since there were rumors from informed sources that she was about to leave him and perhaps even turn on him.

In addition it is well known that Hunt hated and addition it is well known and blamed him for the Bay of Pigs disaster. And now, in recent months, his alibi for his whereabouts on the day of the shooting has come un- stuck.

In the public hearings, the CIA will 'admit' that Hunt was involved in the conspiracy to kill Kennedy. The CIA may go so far as to 'admit' that there were three gunmen shooting at Kennedy. The FBI, publicly embracing the Warren Commission's 'one lone gunman' conclusion, has always privately known that there were three gunmen. The conspiracy involved many more people than the ones who actually fired at Kennedy, both agencies may now admit.

A. J. Weberman and Michael Canfield, authors of 'Coups d'etat In America,' published pictures of three apparent bums who were arrested at Dealey Plaza just after President Kennedy's murder, who were strangely released without any record of the arrest having been made by the Dallas police. One of the tramps the authors identified as Hunt. Another was Frank Sturgis, a long-time agent of Hunt's.

Hunt immediately sued for millions of dollars in damages, claiming he could prove that he had been in Washington, D. C., that day - on duty at CIA. It turned out, however, that this was not true. So, he said that he had been on leave and doing household errands, including a shopping trip to a grocery store in Chinatown.

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900 SIXTH AVENUE SOUTH

SUITE 100

NAPLES, FLORIDA 33940

(813) 262-6161

March 6, 1979

Honorable G. Robert Blakey
Chief Counsel and Director
Select Committee on Assassinations
U. S. House of Representatives
3331 House Office Building, Annex 2
Washington, D. C. 20515

Dear Professor Blakey:

Thank you very much for sending a transcript of the public testimony of E. Howard Hunt to this office for his approval. We have both gone over the work thoroughly and any corrections that were made by Mr. Hunt were done in red ink; specifically, on pages 14, 15, 16, 20, 21, 22, 24, 26, 29, 31, 33 and 35.

As you will note from reading the transcript itself, there are at least three separate requests for the Committee to confirm or deny receipt of a memorandum from the Central Intelligence Agency authored in 1966 and initialed by Director Richard Helms stating "that someday it might be necessary to reveal that Howard Hunt was in Dallas on the day of President Kennedy's assassination." Also, if such a memorandum indeed exists, will you be kind enough to furnish this office with a copy so that Mr. Hunt may refute its contents in their entirety. I personally believe that some mention of this in your final report will take care of the situation.

Thanking you for all past courtesies, I am

Very truly yours,

ELLIS RUBIN LAW OFFICES, P.A.

ELLIS S. RUBIN

ESR/bg
encl.





UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

E. HOWARD HUNT, JR.,

Plaintiff,

v.

LIBERTY LOBBY, INC., A DISTRICT
OF COLUMBIA CORPORATION,

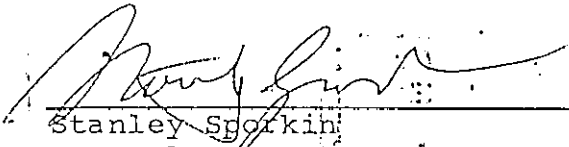
Defendant.

Civil Action
No. 80-1121-CIV-JWK

CERTIFICATE

I am the General Counsel of the Central Intelligence Agency. As a function of my office, I am the custodian of the Seal of the Central Intelligence Agency. I hereby certify that Thomas B. Cormack, whose affidavit is attached hereto, is the Executive Secretary of the Central Intelligence Agency. In witness whereof, I have hereupon set my hand and caused the Seal of the Central Intelligence Agency to be affixed to this Certificate.

On this 14th day of December 1981, I declare under penalty of perjury, based on information made available to me in my official capacity and to the best of my knowledge and belief, the statements made herein are true.


Stanley Sporkin
General Counsel
Central Intelligence Agency
Washington, D.C. 20505

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

E. HOWARD HUNT, JR.,

Plaintiff,

v.

LIBERTY LOBBY, INC., A DISTRICT
OF COLUMBIA CORPORATION,

Defendant.

Civil Action
No. 80-1121-CIV-JWK

AFFIDAVIT OF THOMAS B. CORMACK

THOMAS B. CORMACK deposes and says:

1. I am the Executive Secretary of the Central Intelligence Agency. As a function of my office, I am the custodian of records contained in the Executive Registry of the Central Intelligence Agency (CIA). The Executive Registry is the repository for the official files of the Director of Central Intelligence and the Deputy Director of Central Intelligence. The statements made herein are based upon my knowledge, upon information made available to me in my official capacity, upon advice and counsel from the Office of General Counsel and upon conclusions reached in accordance therewith.

2. In response to a request from the Office of General Counsel, a search was made of the appropriate Executive Registry records systems for evidence of any CIA memorandum indicating that E. Howard Hunt, Jr. was in Dallas, Texas on 22 November 1963 or discussing the need for a cover story to conceal or explain Mr. Hunt's whereabouts on 22 November 1963. A diligent search of Executive Registry records systems

THE DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

disclosed no evidence of any such memorandum.

On this 10th day of December 1981, I declare under penalty of perjury, based on information made available to me in my official capacity and to the best of my knowledge and belief, the statements made herein are true and correct.

Thomas B. Cormack

Thomas B. Cormack

Such memorandum

Since 1981, I

information

to the best of

herein

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

E. HOWARD HUNT, JR.,

Plaintiff,

v.

LIBERTY LOBBY, INC., A DISTRICT
OF COLUMBIA CORPORATION,

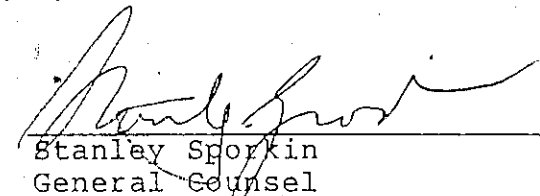
Defendant.

Civil Action
No. 80-1121-CIV-JWK

CERTIFICATE

I am the General Counsel of the Central Intelligence Agency. As a function of my office, I am the custodian of the Seal of the Central Intelligence Agency (CIA). I hereby certify that William R. Kotapish, whose affidavit is attached hereto, is the Director of the Office of Security, CIA. In witness whereof, I have hereupon set my hand and caused the Seal of the Central Intelligence Agency to be affixed to this Certificate.

On this 14th day of December 1981, I declare under penalty of perjury, based on information made available to me in my official capacity and to the best of my knowledge and belief, the statements made herein are true.


Stanley Sporkin
General Counsel
Central Intelligence Agency
Washington, D.C. 20505

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

E. HOWARD HUNT, JR.,

Plaintiff,

v.

LIBERTY LOBBY, INC., A DISTRICT
OF COLUMBIA CORPORATION,

Defendant.

Civil Action
No. 80-1121-CIV-JWK

AFFIDAVIT OF WILLIAM R. KOTAPISH

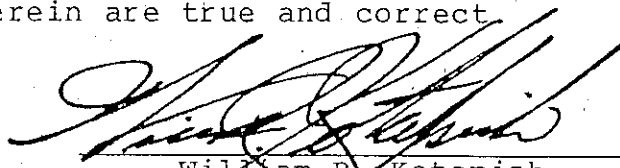
WILLIAM R. KOTAPISH deposes and says:

1. I am the Director of the Office of Security (OS) of the Central Intelligence Agency (CIA). As a function of my office, I am the custodian of all Office of Security records systems. The statements made herein are based upon my knowledge, upon information made available to me in my official capacity, upon advice and counsel from the Office of General Counsel and upon conclusions reached in accordance therewith.

2. In response to a request by the Office of General Counsel, CIA, I have caused a search to be made of all appropriate records systems of the OS for evidence of any CIA memorandum indicating that E. Howard Hunt, Jr. was present in Dallas, Texas on 22 November 1963 or discussing the need for a cover story to conceal or explain Mr. Hunt's whereabouts on 22 November 1963. A diligent search of OS records systems has

disclosed no evidence of any such memorandum.

On this 11 day of December 1981, I declare under penalty of perjury, based on information made available to me in my official capacity and to the best of my knowledge and belief, the statements made herein are true and correct.


William R. Kotapish

I have reviewed the above memorandum.

On this 11 day of December 1981, I declare under penalty of perjury, based on information made available to me in my official capacity and to the best of my knowledge and belief, the statements made herein are true and correct.



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

E. HOWARD HUNT, JR.,

Plaintiff,

v.

LIBERTY LOBBY, INC., A DISTRICT
OF COLUMBIA CORPORATION,

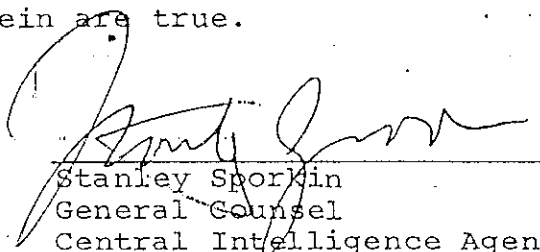
Defendant.

Civil Action
No. 80-1121-CIV-JWK

CERTIFICATE

I am the General Counsel of the Central Intelligence Agency. As a function of my office, I am the custodian of the Seal of the Central Intelligence Agency (CIA). I hereby certify that George L. Marling, whose affidavit is attached hereto, is the Chief of the Operations Group, Information Management Staff, Directorate of Operations, CIA. In witness whereof, I have hereupon set my hand and caused the Seal of the Central Intelligence Agency to be affixed to this Certificate.

On this 14th day of December 1981, I declare under penalty of perjury, based on information made available to me in my official capacity and to the best of my knowledge and belief, the statements made herein are true.


Stanley Sporkin
General Counsel
Central Intelligence Agency
Washington, D.C. 20505

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

E. HOWARD HUNT, JR.,

Plaintiff,

v.

LIBERTY LOBBY, INC., A DISTRICT
OF COLUMBIA CORPORATION,

Defendant.

Civil Action
No. 80-1121-CIV-JWK

AFFIDAVIT OF GEORGE L. MARLING

GEORGE L. MARLING deposes and says:

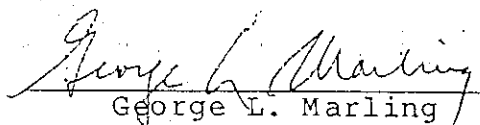
1. I am the Chief of the Operations Group, Information Management Staff, Directorate of Operations (DO), Central Intelligence Agency (CIA). As Chief of the Operations Group, I am the custodian of the central files and indices of the Directorate of Operations and am responsible for processing and maintaining such files and indices. In my official capacity, I have access to all records of the Directorate of Operations. My responsibilities also include the search for and retrieval of DO documents in the context of litigation involving the CIA. These searches are conducted under my supervision by CIA employees who have access to all pertinent records, who are qualified to search those records and who do in fact search those records for names or other information in the regular course of their professional duties. The statements made herein are based upon my knowledge, upon information made available to me in my official capacity, upon advice and counsel from the Office of General Counsel, and upon conclusions reached by me in accordance therewith.

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

2. In response to a request by the Office of General Counsel, CIA, I caused a search to be made of all records systems and indices of the DO for information pertaining to the whereabouts of E. Howard Hunt, Jr. on 22 November 1963. This search has revealed that E. Howard Hunt, Jr. was assigned to the Directorate of Operations during November 1963 and served at a duty station in the Washington, D.C. area. There is no evidence in the DO records systems of any official travel conducted by Mr. Hunt in November 1963.

3. I also caused a search to be made of the DO records systems for any evidence of a memorandum indicating that Mr. Hunt was in Dallas, Texas on 22 November 1963 or discussing the need for a cover story to conceal or explain Mr. Hunt's whereabouts on 22 November 1963. It would reasonably be expected that DO records systems would contain such a memorandum if it did exist. A diligent search of DO records systems has failed to disclose any evidence of such a memorandum.

On this 14th day of December 1981, I declare under penalty of perjury, based on information made available to me in my official capacity and to the best of my knowledge and belief, the statements made herein are true and correct.


George L. Marling

In response to a request by the Office of General Counsel, CIA, I caused a search to be made of all records systems and indices of the DO for information pertaining to the whereabouts of E. Howard Hunt, Jr. on 22 November 1963. This search has revealed that E. Howard Hunt, Jr. was assigned to the Directorate of Operations during November 1963 and served at a duty station in the Washington, D.C. area. There is no evidence in the DO records systems of any official travel conducted by Mr. Hunt in November 1963.

The Washington

Records Systems

In November

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

E. HOWARD HUNT, JR.,

Plaintiff,

v.

LIBERTY LOBBY, INC., A DISTRICT
OF COLUMBIA CORPORATION,

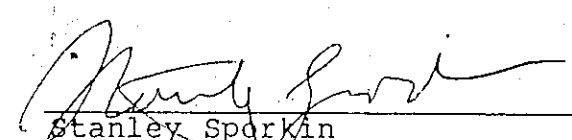
Defendant.

Civil Action
No. 80-1121-CIV-JWK

CERTIFICATE

I am the General Counsel of the Central Intelligence Agency. As a function of my office, I am the custodian of the Seal of the Central Intelligence Agency (CIA). I hereby certify that James N. Glerum, whose affidavit is attached hereto, is the Director of the Office of Personnel, CIA. In witness whereof, I have hereupon set my hand and caused the Seal of the Central Intelligence Agency to be affixed to this Certificate.

On this 14th day of December 1981, I declare under penalty of perjury, based on information made available to me in my official capacity and to the best of my knowledge and belief, the statements made herein are true.


Stanley Sporkin
General Counsel
Central Intelligence Agency
Washington, D.C. 20505

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF FLORIDA

No. 80-1121-Civ-JWK

E. HOWARD HUNT, JR.,
Plaintiff,
vs.
LIBERTY LOBBY, INC., a
Washington, D.C., corpor-
ation,
Defendant.

FILED BY [initials]
MAY 20 1982
JAMES W. KEHOE
CLERK OF COURT

----- x

United States Courthouse
300 Northeast 1st Avenue
Miami, Florida
Thursday, December 17, 1981
9:00 a.m.

The above-entitled cause came on for trial
before the Honorable JAMES W. KEHOE, United States
District Judge, and a jury, at the time and place
aforesaid, pursuant to adjournment taken on Wednesday,
December 16, 1981.

APPEARANCES:
SAME AS HERETOFORE NOTED.

5/28/82
PC 116

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I N D E X

<u>Witnesses</u>	<u>Direct</u>	<u>Cross</u>	<u>Red.</u>	<u>Rec.</u>
Robert Bartel	454	456	461	--

EXHIBITS

<u>PLAINTIFF'S</u>	<u>FOR IDEN.</u>	<u>IN EVID.</u>
Composite No. 16	--	424
No. 6-A	425	--
No. 1-A	469	--

1 [Jury not present.]

2 THE COURT: What do you gentlemen need,
3 a couple of more minutes?

4 MR. RUBIN: I don't think so.

5 MR. McGRANE: We could probably do them
6 with you when we get to them.

7 THE COURT: Let's go over the Court's
8 proposed charges.

9 MR. RUBIN: We agree on 1 through 10.

10 THE COURT: Is that true of the defend-
11 ant? You are talking about the numbers in the upper
12 right-hand corner?

13 MR. McGRANE: 1 through 9.

14 MR. RUBIN: I object to 10. No. 10 the
15 plaintiff objects because this refers to failure to
16 seek or take advantage of a business or employment
17 opportunity. That is what mitigation means and there
18 is no such element in this case.

19 MR. McGRANE: My position is that this
20 may need to be modified a bit. But it is clear that
21 once notified by Mr. Hunt, Liberty Lobby did invite
22 Mr. Hunt forward and asked him to come forward and put
23 his case on the record and he chose not to and chose
24 to proceed this way.

25 THE COURT: Frankly I am inclined to

1 give the first paragraph and not the second.

2 Any objection to the first paragraph,
3 Mr. Rubin? -- --

4 MR. RUBIN: Yes, this is an objection
5 based on Florida Statute 770 which says as soon as the
6 person feels that he has been libeled, it is his duty
7 in order to mitigate punitive damages to notify the
8 publisher and ask for a retraction and that within ten
9 days after the service of said notice a full and fair
10 correction, apology and retraction was published in the
11 same editions or corresponding issue of the newspaper
12 or periodical in which said article appeared and in as
13 conspicuous place and type as was set original article,
14 then the plaintiff in such case shall recover only
15 actual damages.

16 Now you are changing that with this
17 first paragraph because a publisher's invitation to be
18 interviewed does not comply with 770.

19 MR. McGRANE: Judge, our position is
20 that that is part and parcel of the whole issue.

21 THE COURT: The objection to the second
22 paragraph will be sustained. Objection to the first
23 will be overruled.

24 Give the first paragraph No. 10.

25 No. 11, gentlemen?

1 MR. McGRANE: As to 11 we agree entirely.
2 Just to make sure in the last paragraph there are some
3 items that are not applicable to this jury.

4 THE COURT: You mean against one or more?
5 All the bracketed parts will be deleted. Any objection?

6 MR. RUBIN: No.

7 THE COURT: No. 12.

8 MR. RUBIN: No objection.

9 MR. McGRANE: No objection.

10 THE COURT: No. 13.

11 MR. RUBIN: We have to change some words.

12 In the middle of 85.07 it says, "When the plaintiff is

13 a public official," and that should be "When

14 the plaintiff is a public person," and then

15 you scratch, "an alleged libel relates to his conduct

16 in or fitness for office." That should come

17 out. The rest is proper.

18 THE COURT: Any objection?

19 MR. McGRANE: No, sir.

20 THE COURT: Where you have "public

21 official," you would recommend to the Court to put

22 "public figure"? Which one do you want?

23 MR. RUBIN: Person or figure or maybe

24 both. Is that all right?

25 MR. McGRANE: Fine.

1 THE COURT: I am striking "candidate
2 for office and the alleged libel results to his conduct
3 or fitness" and I will strike "for office."

4 That will read "When the plaintiff is
5 a public person or figure and the alleged
6 libel results from his conduct in or fitness"

7 MR. RUBIN: No, that's out.

8 THE COURT: All right. "Relates to his
9 conduct" and I will strike "or fitness" and then
10 "plaintiff must bear an additional" et cetera, et cetera,
11 et cetera.

12 No. 14.

13 MR. RUBIN: No objection.

14 MR. McGRANE: No objection.

15 THE COURT: No. 15.

16 MR. RUBIN: No objection.

17 MR. McGRANE: No objection.

18 THE COURT: No. 16.

19 MR. McGRANE: No objection.

20 MR. RUBIN: No objection.

21 THE COURT: No. 17.

22 MR. RUBIN: Your Honor, Mr. Rubin has
23 gone ahead and typed out 17 with the appropriate names
24 and we thought it might be a bit easier for the Court
25 rather than use the form if you would use Mr. Rubin's.

1 THE COURT: Does it fit? This is
2 tailored to this case?

3 MR. McGRANE: Yes, it is.

4 MR. RUBIN: The original I gave to the
5 Court but there have been some corrections. There were
6 some misspellings.

7 THE COURT: Well, you got both sides
8 to approve.

9 MR. RUBIN: Except for the last page.

10 THE COURT: Take a look at that.

11 MR. RUBIN: Now it is corrected.

12 MR. McGRANE: There are a few typos.

13 THE COURT: I am not going to give them
14 a copy. Now 17 is tailored for the case and there are
15 no objections?

16 MR. RUBIN: That's correct.

17 MR. McGRANE: That's correct.

18 THE COURT: For the record I will make
19 this in the upper right-hand corner in the red as No.
20 17. How about No. 18?

21 MR. RUBIN: We have tailored 18 also.

22 THE COURT: Do you have it there?

23 MR. RUBIN: I handed it to you.

24 MR. McGRANE: It is part and parcel of
25 the one we handed to your Honor.

1 MR. RUBIN: Your Honor, my secretary is
2 still typing up a few more. She came in very early and
3 didn't get them done.

4 THE COURT: How about No. 18? I don't
5 have it or did you make it all part of 17?

6 MR. RUBIN: We made it all part of 17.

7 THE COURT: So 17 and 18 are tailored.
8 I will mark what is marked plaintiff's request for
9 Instruction 17 and 18.

10 MR. RUBIN: Your Honor, may I respect-
11 fully request that plaintiff take up any other requested
12 jury instructions just as the defendant has submitted.
13 I as the plaintiff have some coming and my secretary
14 is finishing typing them.

15 MR. McGRANE: It might make it easier
16 in light of the Court's supplying us with the standard
17 jury instructions, and I am not quite sure I numbered
18 the Court's because I stood here and numbered mine.

19 THE COURT: I am going to put every
20 lawyer who doesn't number jury instructions in jail.

21 MR. McGRANE: I'm going to withdraw our
22 request No. 1.

23 THE COURT: All right, withdrawn.

24 How about No. 2?

25 MR. McGRANE: Withdrawn. Your Honor,

1 there is no instruction that he is a public figure and
2 it was stipulated and I think the jury has got to know
3 because there-are-other charges.

4 THE COURT: You have got public figure.

5 MR. McGRANE: No, sir.

6 MR. RUBIN: Didn't we cover that just
7 now in the general ones? Where did we put that in?

8 THE COURT: Let's look at 17.

9 MR. RUBIN: It is No. 13 I think, your
10 Honor.

11 THE COURT: Well, I think what should be
12 done, I think we should stay consistent and use the
13 word "public figure" and then immediately after "When
14 the plaintiff is a public figure" and the Court now
15 instructs you that E. Howard Hunt is a public figure,
16 then the actual malice"--et cetera, et cetera. Any
17 objection to that?

18 MR. McGRANE: No, sir, that would be 13
19 modified.

20 THE COURT: That is 13 would be modified
21 and it would read "I instruct you that the plaintiff,
22 E. Howard Hunt, is a public figure." Then it will go
23 on from there.

24 With that understanding you withdraw
25 No. 3?

1 MR. McGRANE: Yes, we withdraw No. 4.

2 MR. RUBIN: Now, 4 has to come.

3 -- THE COURT: That's in the one you agreed?

4 MR. RUBIN: Yes.

5 THE COURT: All right. No. 5 is with-
6 drawn?

7 MR. McGRANE: We do not withdraw No. 6.

8 MR. RUBIN: Your Honor, there is a lot
9 more to the law than that one sentence.

10 MR. McGRANE: Excuse me, I would go into
11 the last sentence of Requested Jury Instructions No. 6.
12 I would withdraw from after the word "malice." I would
13 withdraw "and your verdict would be for the defendant."
14 I think that would be an incorrect instruction as
15 worded but I think the remaining portion is relevant.

16 MR. RUBIN: I strenuously object. There
17 are many cases which modify that bold statement. That
18 is practically having the Court tell the jury to bring
19 back a not guilty verdict. There are a lot of other
20 things the jury has to determine.

21 THE COURT: You can argue that but I
22 don't know if that is an appropriate charge. We will
23 hold on 6 until we see what the plaintiff brings.

24 No. 7?

25 McGRANE: We would ask the Court to

1 consider that one.

2 THE COURT: We will do the same because
3 what you are taking is you are taking excerpts from the
4 New York Times. But we want to be sure we get all the
5 excerpts.

6 MR. RUBIN: I am bringing all the
7 excerpts.

8 MR. McGRANE: We withdraw 8 as it has
9 been included in the Court's earlier charge.

10 THE COURT: No. 9.

11 MR. McGRANE: I don't know if you
12 included that in your standard closing instructions.

13 THE COURT: We already told them and I
14 am sure we tell them again.

15 MR. McGRANE: And 10 of course is a
16 standard instruction.

17 THE COURT: All right. How long do you
18 anticipate getting your charges here? This is off the
19 record.

20 [Discussion off the record.]

21 THE COURT: Gentlemen, I would think as
22 I look at it now, I would think that the 14 of Devitt
23 & Blackmar 801 would just be substituted for the 17.
24 But I don't see where you got the 18 in there.

25 MR. McGRANE: Did you pass this up to

1 the Court?

2 MR. RUBIN: Yes, that's 18. Judge, I
3 think they both ought to be in. I don't think there
4 is too much emphasis.

5 THE COURT: If both of you agree, I will
6 do anything so the both of you can agree.

7 MR. RUBIN: If there is confusion--

8 MR. McGRANE: Your Honor, if you use
9 the Court's 14 and then just read the damage portion
10 of the Florida standard jury instructions on libel, I
11 think that would be sufficient. That is entitled
12 Plaintiff's Requested Jury Instruction No. 3.

13 THE COURT: I don't have the plaintiff's

14 MR. RUBIN: Yes, the one that I tracked
15 the Florida jury instruction which we substituted for
16 17 and 18.

17 THE COURT: If you give 14 and then
18 Plaintiff's Requested 3, it would seem to me that you
19 already covered it.

20 I am going to give what is now marked
21 14 and then put what we attached thereto as Plaintiff's
22 No. 3.

23 Any objection to be noted?

24 MR. RUBIN: Yes, your Honor.

25 MR. McGRANE: Yes, your Honor.

1 THE COURT: You are on your way.

2 Let's bring the jury in and take a
3 recess. -- --

4 [The jury returned to the courtroom.]

5 THE COURT: Everyone be seated.

6 Good morning, ladies and gentlemen. I
7 had a Judges' meeting that lasted quite late last night
8 so I was tired.

9 You haven't read any newspapers, tele-
10 vision and nobody has read anything about this case or
11 heard anything about this case on television?

12 JUROR NO. 3: Your Honor, the television
13 was right out in front.

14 THE COURT: Oh, they are there all the
15 time. We get to know them fairly well. But, they
16 didn't discuss anything with you? 16 didn't discuss.

17 JUROR NO. 3: No, your Honor.

18 THE COURT: Any inquiry to be made?

19 MR. RUBIN: No, your Honor.

20 MR. McGRANE: No, your Honor.

21 Your Honor, Mr. Rubin called two of our
22 witnesses by deposition, Mr. Carto and Mr. Tucker.
23 The only witness we have left is Mr. Bartell.

24 THE COURT: He can come forward.

25

1 Bartell - direct

2 Thereupon--

3 -- - ROBERT BARTELL

4 was called as a witness by the defendant and, having
5 been first duly sworn, was examined and testified as
6 follows:

7 THE COURT: State your full name and
8 spell your last.

9 THE WITNESS: Robert Bartell, B-a-r-
10 t-e-l-l.

11 DIRECT EXAMINATION

12 BY MR. McGRANE:

13 Q Mr. Bartell, what is your occupation?

14 A I am chairman of the board of policies
15 of Liberty Lobby.

16 Q That position has many functions, cor-
17 rect?

18 A Yes, primarily I represent the 35,000
19 member board policy and come before the board of
20 congress and serve as the official spokesman for the
21 institution.

22 Q Sir, within that position does it entail
23 any relationship between Liberty Lobby and the govern-
24 mental agencies?

25 A Yes, quite often.

1 Bartell - direct

2 Q Would that governmental agency among
3 others include the CIA?

4 A If there were any contacts made, yes.

5 Q Sir, I have asked you, have I not, to
6 look into any contacts between Liberty Lobby and the
7 CIA relative to this lawsuit and the article in question
8 in this lawsuit, have I not?

9 A That is correct.

10 Q Sir, from your review has the CIA con-
11 tacted Liberty Lobby concerning the article in ques-
12 tion?

13 A No, they have not.

14 Q Have they made any contact to Liberty
15 Lobby concerning the endorsements of any injunction.
16 they may have issued against Mr. Marchetti relative to
17 the article in question?

18 A No, they have not.

19 Q Mr. Bartell, isn't it true that the
20 CIA have not had contact with you regarding the article
21 by Mr. Marchetti even though they have an injunction
22 against Mr. Marchetti because that injunction only
23 applies to any information that Mr. Marchetti obtained
24 while he was an agent with the CIA and he has not been
25 an agent since 1977?

1 Bartell - direct

2 A Yes.

3 -- MR. McGRANE: No further questions.

4 CROSS EXAMINATION

5 BY MR. RUBIN:

6 Q Who is James P. Tucker?

7 A Managing editor of The Spotlight.

8 Q Did he have anything to do with the
9 editing and publishing story which is the subject of
10 this lawsuit?

11 A Yes.

12 Q I don't think you were present when I
13 took his deposition in Washington on December the 7th
14 of this year which is less than two weeks ago. Were
15 you there?

16 A No, I was not.

17 Q I asked Mr. Tucker this question--

18 MR. McGRANE: Excuse me. I think this
19 might be improper impeachment.

20 MR. RUBIN: This isn't impeachment.

21 MR. McGRANE: This was read entirely to
22 the jury and the jury recollects.

23 THE COURT: Let him finish the question
24 and then I will be able to understand.

25

1 Bartell - cross

2 BY MR. RUBIN:

3 Q -- Mr. Tucker was asked this question and
4 gave this answer:

5 "Q Did his injunction by the Court
6 against revealing any CIA information that
7 he may have acquired during his service, did
8 that ever come up?

9 "A I thought about it."

10 Isn't it apparent from that response
11 that Mr. Tucker knew that the injunction only applied
12 to information that Victor Marchetti may have acquired
13 during his term as a CIA agent?

14 A I know of no injunction.

15 Q I just read it to you.

16 THE COURT: Don't argue with him.

17 BY MR. RUBIN:

18 Q I am just asking you from his response
19 to the question, isn't it apparent that Mr. Tucker knew
20 what the injunction was about?

21 A No, it was not apparent to me at all.

22 Q You say that you are the official
23 spokesman for Liberty Lobby?

24 A I am.

25 Q How long have you held that position?

1 Bartell - cross

2 A The last two years.

3 Q -- Are you aware in your position as
4 chairman of--what is it?

5 A Board of policy.

6 Q How many people are on that board?

7 A About 35,000.

8 Q Did you ever hold meetings?

9 A We do indeed as often as possible,
10 generally every two years.

11 Q When is the next meeting?

12 A At the next session of Congress.

13 Q How many usually of the 35,000 appear
14 at that meeting?

15 A Generally in the neighborhood of some
16 700, 750 delegates.

17 Q Do you have any from Florida?

18 A I can't answer specifically. Just off
19 the top of my head I would say there are some from
20 Florida.

21 Q Are you an officer of Liberty Lobby?

22 A No, I am not.

23 Q Are you a stockholder?

24 A No.

25 Q Who is Mr. Carto?

1 Bartell - cross

2 A The founder and the treasurer of
3 Liberty Lobby. -

4 Q What is The Spotlight?

5 A A department of Liberty Lobby.

6 MR. RUBIN: One moment, please, your
7 Honor.

8 BY MR. RUBIN:

9 Q Mr. Bartell, do you know anything about
10 the article that was published in The Spotlight on
11 August 14, 1978 concerning E. Howard Hunt?

12 A Do I know anything about it?

13 Q Yes.

14 A Well, yes, of course.

15 Q Did you have anything to do with the
16 preparation of that article? 16

17 A No, I did not.

18 Q Did you have anything to do with the
19 proofreading of that article?

20 A No.

21 Q Do you know if the contents are true or
22 false?

23 A No.

24 Q Do you know who did prepare and publish
25 it, that it was within the staff of The Spotlight?

1 Bartell - cross

2 A In the normal course of events, there is
3 a general routine which is followed with most stories.
4 There are changes depending on the individuals and
5 stories involved, but ordinarily the same people would
6 be doing it every week.

7 Q Do you do anything else for Liberty
8 Lobby besides being the official spokesman and chairman
9 of the executive policy making board?

10 A You see, I am not a member of Liberty
11 Lobby, Incorporated.

12 Q Do you ever write for The Spotlight?

13 A Yes, I write a page, Page 2 for The
14 Spotlight. It's called "News You May Have Missed."

15 I also have a radio program on some
16 430 radio stations across the country.

17 Q Did you ever broadcast anything about
18 E. Howard Hunt?

19 A I don't think so. I can't answer spe-
20 cifically yea or nay.

21 Q On Page 2 of The Spotlight is there a
22 box that publishes the creed and the guarantee of The
23 Spotlight?

24 A Let me make something clear. This is
25 not part of my purview. I wrote news articles on that

1 Bartell - cross

2 page. The little part remains the same every week.

3 Q -- Do you know what that guarantee says?

4 A That we will retract or publish--

5 Q Has Liberty Lobby ever done that?

6 A There have been typo errors which we
7 have in the past but nothing of meaningful stature.

8 Q How many times has The Spotlight printed
9 a retraction or correction other than a typographical
10 error?

11 A That Taylor Caldwell died and we incorpo-
12 rated it into a story and were very happy to print a
13 correction. To my knowledge that's the only time.

14 THE COURT: Anything further?

15 REDIRECT EXAMINATION

16 BY MR. McGRANE:

17 Q Mr. Bartell, were you in the courtroom
18 yesterday when Mr. Hunt testified?

19 A I was here for part of his testimony.

20 Q Did you ever hear him testify as based
21 upon his dealings with the CIA, as to the meaning of
22 the injunction against Mr. Marchetti?

23 A No, I did not.

24 MR. McGRANE: Thank you. No further
25 questions.

1 Bartell - redirect

2 THE COURT: You may step down.

3 -- [Witness excused.]

4 MR. McGRANE: Judge, we rest.

5 THE COURT: Any rebuttal?

6 MR. RUBIN: No, your Honor.

7 THE COURT: That's all the testimony,
8 ladies and gentlemen. We are going to have to take up
9 several matters of law. We will let you be excused to
10 the jury room.

11 [The jury retired from the courtroom.]

12 THE COURT: Defendant, any motions at
13 the conclusion of all of the testimony?

14 MR. McGRANE: We would like to renew our
15 motions.

16 THE COURT: Any additional grounds?

17 MR. McGRANE: No, sir.

18 THE COURT: Motions denied.

19 MR. RUBIN: Your Honor, I have the cases
20 right here that we have taken those instructions from
21 in case the Court wants to review them. But I think
22 I should give my colleague a chance to read them and
23 digest them because there are quite a few. Can we have
24 a couple of minutes?

25 THE COURT: We will take a brief recess.

1 [Recess taken.]

2 MR. McGRANE: Before we begin, I just
3 had one question. -

4 We had some discussion yesterday and the
5 day before concerning affidavits from the CIA. Three
6 of them dealt with the memo and one dealt solely with
7 Mr. Hunt's whereabouts on the day in question.

8 THE COURT: We will take the whereabouts
9 one out only because it is no longer relevant.

10 Do you have any objection, Mr. Rubin?

11 MR. RUBIN: No, sir.

12 MR. McGRANE: For the record, the affi-
13 davit of James L. Gorham--

14 THE COURT: It is withdrawn from the
15 exhibits.

16 MR. McGRANE: But I still need my objec-
17 tion.

18 THE COURT: Plaintiff's 4, any objection?

19 MR. McGRANE: Yes. There is no question
20 we would be liable for anything Mr. Tucker might have
21 done. He is sort of lumped in here where it says free-
22 lance writer and what-have-you.

23 THE COURT: Objection overruled. I will
24 grant No. 4.

25 No. 5?

2
1 MR. RUBIN: Before you read that, there
2 should be--it is five lines from the bottom, "Plaintiff
3 must prove by a preponderance of the evidence," and she
4 left out "by a."

5 THE COURT: Which one?

6 MR. RUBIN: That is No. 4, the one that
7 you just granted.

8 THE COURT: All right.

9 No. 5.

10 MR. McGRANE: I believe you are modify-
11 ing No. 5.

12 MR. RUBIN: Yes. I am withdrawing Para-
13 graphs 1 and 2 and I offer 3 based on the latest Fifth
14 Circuit case.

15 MR. McGRANE: I have no problem with
16 that.

17 THE COURT: No. 5 will be granted.

18 No. 6.

19 MR. McGRANE: Judge, I think this is
20 redundant. I object. It has been covered.

21 THE COURT: No. 6 will be refused as
22 covered.

23 No. 7.

24 MR. McGRANE: I believe that has been
25 covered.

3
1 THE COURT: Denied as covered.

2 MR. RUBIN: No, sir, it is not covered
3 at all.

4 THE COURT: Not by your 13?

5 MR. RUBIN: No, sir. There is nothing
6 in there that is covered. I think the Court should
7 read it.

8 MR. McGRANE: Judge, my thought of
9 standard instructions deals with particularly items
10 of damages and elements.

11 THE COURT: The objection is overruled.

12 No. 7? No. 7 will be granted.

13 No. 8?

14 MR. RUBIN: Withdrawn.

15 THE COURT: I do commend you for number-
16 ing them.

17 No. 9?

18 MR. RUBIN: That is word-for-word out
19 of the Goldwater case.

20 MR. McGRANE: I don't believe that is
21 really an issue here.

22 MR. RUBIN: Yes, it certainly is.

23 THE COURT: Any further objection to be
24 noted?

25 No. 9 will be granted.

4
1 No. 10, any objection?

2 MR. McGRANE: We would object to this.

3 -- THE COURT: Objection is sustained.

4 Defendant's requested charges, and we
5 worked out to just what is 6 and 7; is that correct?

6 MR. McGRANE: Yes, your Honor.

7 THE COURT: No. 6, any further objection
8 to be noted by the plaintiff?

9 MR. RUBIN: Yes, your Honor.

10 I think that the first sentence is the
11 law. I think the second sentence is commenting on the
12 evidence, and I object to the second sentence. I think
13 the first one is absolutely correct.

14 THE COURT: I am going to strike "and
15 your verdict should be for the defendant," and with
16 that I am going to overrule your objection, and No. 6
17 for the defendant will be granted.

18 No. 7?

19 MR. RUBIN: Your Honor, this instruction
20 is taking three or four elements and combining them and
21 saying that these three are not malice.

22 On the other hand, I could take 10 and
23 lump them, and so if we could show that it is malice,
24 I think this really comments on particular parts of the
25 evidence and I think it is really generally covered.

5 THE COURT: Objection to 7 is overruled
6 and the charge is granted.

7 - Have you allocated how you want your
8 time divided?

9 MR. RUBIN: Forty-five and fifteen.

10 THE COURT: You have all done a good
11 job in presenting a very complicated legal problem and
12 one of the most sensitive in this country, and I think
13 both sides have competently presented the situation.

14 Gentlemen, we will be in recess.

15 [Recess taken.]

16 [Jury not present.]

17 THE COURT: Bring the jury in.

18 MR. McGRANE: Before we begin, what is
19 the Court's practice? Do they automatically go back?

20 THE COURT: Automatically with the form
21 of verdict, that is:

22 "We, the jury, find for the plain-
23 tiff for damages in the amount of--
24 compensatory, punitive,"

25 and the other form:

26 "We, the jury, find for the de-
27 fendant."

28 However, I think they must be instructed
29 that they cannot return just punitive but must return

6 1 compensatory along with it but not alone.

2 MR. McGRANE: Lastly, Judge, there was
3 some discussion earlier on whether or not they will
4 receive the entire newspaper.

5 THE COURT: I think the condition, Coun-
6 sel, I think the better part of valor is having looked
7 at that paper there might be something that might be
8 inflammatory.

9 MR. McGRANE: I will submit that they
10 are entitled to the mast headline which you made part
11 of your case and the second page about the guarantee,
12 and I will stipulate that even though this has not been
13 in the trial that it has been in the trial that it has
14 been referred to.

15 THE COURT: You can mention that in your
16 closing argument.

17 MR. RUBIN: Well, I would like not to
18 show it to them and take this Exhibit 1 and read it to
19 them.

20 THE COURT: It is just that certain
21 articles in there, some of those jurors may find offen-
22 sive. I think it might prejudice the defendant's posi-
23 tion.

24 We will substitute what has been done
25 before.

76
1 So what I would like to do is mark a
2 copy as 1-A and that will be part of the record.

3 -- -- [Plaintiff's Exhibit No. 1-A
4 was marked for identification.]

5 MR. McGRANE: Can I make another sugges-
6 tion? It might be easier to have six jurors to have
7 one copy of that.

8 MR. RUBIN: To take it into the room?

9 THE COURT: You can do it either way.
10 We will send in the same copies that we have been going
11 through and not the paper.

12 All right. Let's bring in the jury.

13 [Jury entered the courtroom.]

14 THE COURT: Everyone be seated.

15 Counsel for the plaintiff, you may com-
16 mence your final argument.

17 MR. RUBIN: Ladies and gentlemen of the
18 jury, those are the words somehow that I like to speak
19 the best during the course of a trial or dispute betw-en
20 human beings because "ladies and gentlemen of the jury"
21 indicates that we have chosen some of our neighbors to
22 decide a conflict instead of like they are doing it in
23 Poland and in Cuba.

24 This is in a court of law based on civil-
25 ized experience, based on over 200 years now of deciding

1 controversies according to a standard and a set of
2 rules.

3 -- The founders of this country gave us
4 probably the most important rule of all which is the
5 First Amendment to the Constitution of the United
6 States. You can't tamper with the press. You can't
7 tamper with somebody's right to speak and to write.
8 And you can't tamper with religion. Those are hands-
9 off.

10 We call that, as far as the press is
11 concerned, freedom of the press and the First Amendment
12 says nobody can tell a publisher what to do, what to
13 say.

14 But there are conditions for that pub-
15 lisher to publish and one of the conditions is that
16 if he publishes a falsehood and he does it maliciously,
17 then he must answer to the person that he damages in a
18 court of law by a jury verdict.

19 If the damaged person can convince the
20 jury that this was a wrongdoing to him, then it comes
21 to what is a man's name worth? This is what you are
22 going to decide today.

23 And because in this case, there is Howard
24 Hunt and because Liberty Lobby and Howard Hunt are all
25 nationally known, maybe internationally, your verdict is

9 1 going to be out all over the world.

2 You have been chosen from the people in
3 this area to be the conscience of this community and
4 you are going to tell Liberty Lobby and Howard Hunt
5 about when a man gives his life to this country.

6 Howard Hunt enlisted before Pearl Harbor.
7 He was on duty in the North Atlantic before the Japanese
8 bombed Pearl Harbor.

9 He was a graduate of the Naval Academy
10 and an honorable man.

11 After Navy duty and after being a corre-
12 spondent in the Pacific, he decided that his country
13 needed him again. He enlisted in the Air Force and was
14 a commissioned officer and he served through World War
15 II.

16 Her served in the Pacific, China, the
17 Balkans, and he joined the small group of men who de-
18 cided that the security of this country, the right of
19 you and me to sit here and discuss his fate today, must
20 be protected by operations behind enemy lines, the most
21 dangerous kind of work a man can do.

22 He worked overseas behind enemy lines
23 and for twenty more years he served in the CIA heading
24 up the office in Japan and Mexico City and the Balkan
25 area.

10

1 Nobody ever heard of Howard Hunt except
2 his wife and his children as they came along, his com-
3 panions at work and the people that he had contact
4 with.

5 E. Howard Hunt, Jr., an anonymous servant
6 of this country.

7 After retiring from the CIA, you heard
8 that he went to work for a public relations firm and
9 that firm managed to get him a job in the White House.

10 How many people ever work in the White
11 House? It is quite an honor, quite a responsibility.

12 In 1972, President Nixon was running for
13 re-election and somebody introduced Howard Hunt to the
14 re-election committee of President Nixon, and Howard
15 Hunt suddenly found himself recruiting Cubans in Miami
16 who he knew from the Bay of Pigs and it led to a break-
17 in of an office building.

18 Howard Hunt did not have any personal
19 interest in that. It was a job that somebody in the
20 White House told him to do, and he did it.

21 The men were caught. It was a crime.
22 And instead of Howard Hunt running away and hiding,
23 forcing the police to arrest him because Howard Hunt
24 was involved, he surrendered when it became known that
25 he was wanted.

11

1 He did not go to trial. Instead of that,
2 he pleaded guilty because Howard Hunt was an honorable
3 man.

4 You have seen his whole life before you
5 in this courtroom where he laid his life open for cross
6 examination, and the cross examination did not shake
7 one word of the testimony from Howard Hunt.

8 I went through the article and asked him
9 what was false. He swore to tell the truth. There was
10 not one contradiction, not one blemish on his testimony,
11 and he has been waiting for this date for his restora-
12 tion of Howard Hunt as an honorable American.

13 After pleading guilty to the Watergate
14 situation, he spent thirty-three years--

15 JUROR NO. 3: That is Thirty-three months.

16 MR. RUBIN: Excuse me. I am sorry.
17 Thirty-three months.

18 After serving thirty-three months, Howard
19 Hunt came out of jail and tried to pick up the pieces of
20 his life.

21 He re-married because his first wife had
22 been killed in an unfortunate plane accident in Chicago
23 just after the Watergate situation broke and he was left
24 with four children to support on a pension from the CIA
25 and earnings from writings and lecturings.

12

1 In 1975, somebody got the brilliant idea
2 that if Howard Hunt was a convicted Watergate felon and
3 Howard Hunt was also involved with the Cubans in Miami
4 and the Bay of Pigs invasion and Cubans might have been
5 angry with John F. Kennedy because he withdrew the air
6 cover from the Bay of Pigs invasion, maybe there is a
7 connection and maybe Howard Hunt was in Dallas the day
8 Kennedy was killed.

9 If we can place Howard Hunt in Dalls,
10 what a story; what scoop. "Sensational" was the word
11 used by the managing editor of Liberty Lobby during his
12 deposition.

13 So somebody produced some photographs of
14 three tramps that were taken in Dallas the day of
15 Kennedy's murder and the story broke that one of these
16 tramps looked like Howard Hunt. So it must be Howard
17 Hunt.

18 There was an investigation by the Vice-
19 President of the United States, Nelson Rockefeller; no
20 validity, it wasn't Howard Hunt.

21 Liberty Lobby knew of the Rockefeller
22 Committee findings when they published this story.

23 In 1975 some tabloid in Chicago came up
24 with the theory and published a story accusing Howard
25 Hunt of being in Dallas and being accused of killing

1 President Kennedy.

2 Howard Hunt immediately filed suit and
3 the firm folded and Howard Hunt got a default judgment.

4 In 1975, two guys from New York took up
5 the call that it was open season on Howard Hunt and they
6 wrote a book called Coup d'etat In America. They pub-
7 lished it and, as soon as it circulated and as soon as
8 Howard Hunt saw it, he filed suit claiming, of course,
9 this was not true.

10 He goes down and down a little more. He
11 is trying to work his way up.

12 In 1977, somebody through the Freedom of
13 Information Act asked the FBI to see all of its inves-
14 tigative reports on the Kennedy assassination and they
15 released it.

16 There was one file on the charges con-
17 stantly brought to Howard Hunt and they released those
18 and it was well known, according to the publisher of
19 Liberty Lobby, whose deposition I took, Mr. Carto, that
20 he knew of the information that the FBI released.

21 It was not Howard Hunt in Dallas. Howard
22 Hunt had nothing to do with the conspiracy.

23 Now, Victor Marchetti was a CIA agent for
24 many years, resigned a few years before the 1975 charge
25 against Howard Hunt.

14

1 There was an injunction brought by the
2 CIA against Victor Marchetti for writing anything that
3 he learned while he was with the CIA and that injunction
4 stands today.

5 That is the reliable source that Liberty
6 Lobby gave \$500, 500 pieces of silver to do another job
7 on Howard Hunt.

8 Liberty Lobby was formed a few years ago.
9 I think it was 1955. It is a patriotic organization.
10 It is the child of Willis Carto.

11 He is so worried about this case and he
12 is so worried about the First Amendment freedom of the
13 press and his reputation that he never even came to
14 court for this trial. He didn't even send his managing
15 editor. He didn't even send any employee of Liberty
16 Lobby. That's how important this case is to Liberty
17 Lobby and the Spotlight.

18 They send the chairman of some policy
19 board so he could testify this morning and this is the
20 only defense witness who was brave enough to come into
21 this courtroom to say that he never made any inquiry of
22 the CIA.

23 Now, what does that prove? Especially
24 when the injunction against Mr. Marchetti must apprise
25 the CIA when he is writing things that he learned while

15

1 he was an agent of the CIA.

2 Well, Mr. Marchetti submitted an idea to
3 Mr. Carto and Mr. Tucker, the managing editor. When you
4 go into the jury room, you will be able to see the
5 actual original manuscript that became the death warrant.

6 They labored over this thing. They don't
7 know if it was days or weeks. That was his testimony.

8 Mr. Marchetti said that he had confiden-
9 tial sources in the CIA. Liberty Lobby didn't bother
10 to bring Victor Marchetti to this trial so that I could
11 face him and ask him for your benefit who those sources
12 were, "When did you find this out?"

13 Don't you think if Mr. Marchetti has
14 integrity and reliability and responsibility and a
15 fabulous reputation and knowledge of the CIA and every-
16 thing else that is going on that they would bring him
17 in here to say that the article is the truth and there
18 is no need for the jury to consider whether or not
19 Howard Hunt was even hurt?

20 Mr. Marchetti submitted the manuscript
21 and right on the top of it in the handwriting of Willis
22 Carto was the figure with the dollar sign, \$500.

23 You know, I think Victor Marchetti might
24 have gotten the \$500 the day he submitted the article.
25 The check is in evidence. We had to bring you that and

16

1 we had to bring you everything in this file. The check
2 is dated August 15, 1978, for \$500. This check was
3 dated the day after the article was published in that
4 paragon of truth called The Spotlight which prints in
5 every copy, "The Spotlight, the paper you can trust."

6 You can trust them to do what? To pay a
7 man \$500 to submit an article which they claim was just
8 a device to help Howard Hunt. All they wanted to do
9 was expose a conspiracy that the CIA and the FBI and
10 the Carter Administration, that those were going to
11 frame Howard Hunt for the Kennedy killing. This is
12 their defense.

13 Then why is the headline on the first
14 page, "CIA to nail Hunt for Kennedy killing," if the
15 intent of the publisher was to expose a frame-up?

16 If that was the case, then the headline
17 would have been, "CIA to frame Hunt for Kennedy killy."

18 What do you think "nail" means in this
19 headline? It is an accusation that Howard Hunt is a
20 murderer and what murder? This is not the murder of a
21 drug runner, not of a wife in a domestic quarrel, just
22 the murder of the President of the United States.

23 How many times did they say that in this
24 article? I have gone over it because I have lived with
25 it for three years. So I have analyzed that article

17

1 pretty well. It is twice in the headlines they said
2 that he was a murderer because they said that the CIA
3 was going to "admit" Hunt's involvement in Kennedy slay-
4 ing.

5 Mr. Carto says this was a favor to Howard
6 Hunt.

7 He said, "No, we didn't call Howard Hunt
8 before we published this. We didn't see any need to.
9 We knew this article, because our paper is very influ-
10 ential on Capitol Hill, was going to quell what the de-
11 fendant was trying to do."

12 If that is not the most ludicrous de-
13 fense I have ever heard in a court of law, I don't know
14 what is.

15 They have several defenses.

16 I brought out by the testimony of depo-
17 sitions, because they wouldn't come to court, that in
18 the pleadings in this case Liberty Lobby in an affirma-
19 tive defense, No. 2, said, "We are not guilty of libel
20 against Howard Hunt because the article is true." That
21 is their defense.

22 I asked Mr. Carto, "Sir, if your defense
23 is it is the truth, what evidence do you intend to bring
24 to court to show the jury that the article is true?"

25 He said, "I don't know. That is up to

18

1 my lawyer."

2 Okay. What defense did you see here?

3 The cross examination of Howard Hunt was
4 fifteen minutes. Their sole defense witness was a man
5 who said, "I never heard from the CIA."

6 In this article, Howard Hunt is accused-
7 and you can read it when you go back into the jury room
8 he is accused of being a conspirator several times, the
9 possible murder of his wife once, a liar five times, a
10 blackmailer once, a maniac once, and a member of organ-
11 ized crime once, and a member of the CIA once.

12 Then they say this article is really a
13 help to Howard Hunt and in effect he owes them a
14 gratuity for publishing this article.

15 What gall. Do they really think you are
16 as stupid as that?

17 Another defense that they raised was tha
18 "We offered the chance to Howard Hunt to come to Washin
19 ton to have the article published and we wanted to do
20 an interview." So now Howard Hunt could be in the head
21 lines denying that he killed President Kennedy.

22 The law requires them, if they are asked
23 to print a retraction and they don't make it, then they
24 have to suffer the consequences.

25 So their defense is that they gave him

19

1 the opportunity and he never took it.

2 Why did he have to have the opportunity?
3 If they had only followed the law before they destroyed
4 him.

5 How did they destroy him?

6 Let me read you a few things from the
7 testimony which you heard and, luckily, when you read
8 a deposition, that goes into evidence and you can refer
9 to it word-for-word.

10 So I can help you refresh your memory
11 and I cannot mislead you because I am reading right
12 from the page.

13 Do you remember how the article says
14 that a lot of people were angry at Howard Hunt because
15 of the mysterious death of his wife and there was a lot
16 of questions being asked because she was ready to leave
17 him?

18 I asked Mr. Carto:

19 "Q What about that? Did you check
20 that out?"

21 This is on Page 11 where his true feelings came out.

22 "A Well, there was a lot of infor-
23 mation as I suppose anybody has who tries
24 to keep abreast of affairs. I remember
25 that Mr. Hunt was accused of, as I recall,

1 the murder of his wife."

2 Mr. Hunt said on the stand that he never
3 had been accused of the murder of his wife.

4 Did they bring in an article saying
5 Howard Hunt had been accused of murdering his wife?

6 "Q Did you ever read of Howard
7 Hunt's denial of any participation in
8 the Kennedy assassination?"

9 "A Yes."

10 "Q Were you aware of the fact
11 that the FBI opened up its files in
12 1977?

13 "A I suppose I was."

14 So he is admitting that he knew that
15 Howard Hunt had made denials and the FBI said that there
16 was nothing to it.

17 Now, let's see what he says about that
18 guarantee.

19 I asked Mr. Carto:

20 "Q In every edition of the
21 Spotlight and in this printed material
22 which is contained in the mail-out,
23 Liberty Lobby has a guarantee which says,
24 'The Spotlight will always correct any
25 meaningful error of fact.'

21

1 "Do you recall that?

2 "A That's absolutely correct.

3 -- "Q And do you know who composed
4 that?

5 "A I did.

6 "Q And is it true?

7 "A Of course. Everything in the
8 Spotlight is true.

9 "Q And in fact, I think Affirma-
10 tive Defense No. 2 in this lawsuit in
11 our Answer is that the facts contained
12 in the article are true.

13 "Are you familiar with that?

14 "A If you say so.

15 "Q Well, I will show you the
16 Answer so that we will be on target
17 here.

18 "What does that say?

19 "A The matter in the article
20 complained of was true."

21 He maintains to this day it was true.

22 I asked him if he now saw any cause to
23 bring a correction or retraction.

24 He replied, "There is no cause for that.
25 We didn't hurt Mr. Hunt."

22

1 He still thinks that and he has got to
2 be rudely awakened, to come to 1981 and join the human
3 race. -- --

4 You cannot take a man's most precious
5 name and destroy it and not even show up when the man
6 says, "What have you done to me?"

7 Somebody said the pen is mightier than
8 the sword. I think it was Oscar Wilde who said some
9 men die by the sword but some by the printed word. And
10 it was Shakespeare who said, "He who steals my purse
11 steal trash, but he would steals my name strips me
12 bear."

13 Liberty Lobby wants to pull Howard Hunt,
14 Jr.'s name along with Lee Harvey Oswald on the pages
15 of history and, if someone had not brought this to is
16 attention, if it hadn't been seen or told about this,
17 it would stand for the truth.

18 But Howard Hunt said that he could not
19 for the sake of his family and for the sake of his
20 children to allow this to happen.

21 When you file a lawsuit, you open up
22 your life, and Howard Hunt did open his life and then
23 he was subject to only fifteen minutes on cross examina-
24 tion.

25 And I asked the publisher of the paper

23

1. you can trust who makes that guarantee, "That we will
2 correct any meningful error of fact," but still has
3 yet to do so;- I asked if he ever read of Mr. Hunt's
4 denials of any participation in the Kennedy assassina-
5 tion, and he said he did.

6 Yet the basis for the whole article is
7 Mr. Marchetti, that genius super spook who they never
8 brought in so that I could cross examine him, and that
9 is who they are relying on for the entire truth of the
10 article, so they say.

11 Mr. Marchetti said that he uncovered the
12 truth that there was a secret 1966 memo that places
13 Howard Hunt in Dallas.

14 Now they come into court and say the
15 basis for the whole article is true because, "We are
16 going to admit that Howard Hunt was not in Dallas."

17 Do you know what they have done to this
18 man? They have accused him of the most heinous crime.
19 They have alluded to the fact that his wife died very
20 mysteriously, that he might have gotten rid of her.
21 How does he tell that to his children.

22 I could go on and on about what Mr.
23 Carto says, but I don't know how to pick the best things.

24 Then he says to me, "Mr. Rubin, what
25 would Mr. Hunt know about a plan in the CIA to nail

24

1 him?"

2 Then I say, "Maybe we should send you a
3 gratuity for exposing this conspiracy."

4 Mr. Hunt may be a free man today if it
5 wasn't for the Spotlight and the story that was run
6 there.

7 I asked, "Mr. Carto, was Mr. Hunt impli-
8 cated in this conspiracy?"

9 He says, "No."

10 Then I said, "Did you print a rejection
11 or retraction of that?"

12 He said, "No."

13 That kind of sums it up. Malicious,
14 purposeful, intentional.

15 Then there is this other little bit that
16 we had to drag out during the deposition that after
17 Mr. Marchetti's manuscript which was mailed in to the
18 managing editor, Mr. Tucker, he didn't think it was
19 strong enough. He said, "Gee, as this goes through the
20 reader's mind, he may have lost track of what we were
21 trying to do. So I will tie up somebody and oversell
22 it here that the CIA is going to nail him."

23 I think the law says that Liberty Lobby
24 is responsible for what Mr. Tucker did and what Mr.
25 Marchetti did.

25

1 Did Mr. Carto have any doubt whether the
2 story was true? I think he did because in his own
3 handwriting was the words, "Confirm this."

9B

4 He gave that job to Mr. Tucker to con-
5 firm that Howard Hunt had been where he said he was on
6 the day Kennedy was killed.

7 So according to his testimony, Mr. Hunt
8 had given a place where he had been on the day Kennedy
9 was assassinated.

10 So in 1978 when Tucker got the manuscript
11 and Carto told him to check it out, how does he check
12 it out? He went to the phone book.

13 How can you find a restaurant in a 1978
14 phone book for a restaurant that was there in 1963?

15 Then they sent a letter to Mr. Hunt tell-
16 ing him they wanted him to come up there to print anothe
17 article and make more headlines for their paper. They
18 only had 6.6 million dollars coming in from the Spot-
19 light but they wanted to make more headlines, more
20 money.

21 Turning to Mr. Tucker, Mr. Tucker said
22 in his testimony, "This is not the kind of story where
23 you go for broke." In other words, they wanted it all
24 their way.

25 I am not going to go over the article

26

1 because you have read it and I think you will have it
2 in the jury room.

3 -- I submit that we have proven our case
4 according to the law with clear and convincing proof
5 because you heard nothing from the other side.

6 I also got from Liberty Lobby their
7 financial statement which you will be able to see in
8 the jury room.

9 Because if you decide that Howard Hunt
10 should be entitled to compensatory damages, there are
11 two types of damages.

12 One is compensatory to make him whole
13 again for the humiliation, for the fear for his family
14 and almost breaking up because when a man picks up a
15 paper and sees that he might have been indicted for
16 the Kennedy assassination, his name dragged down. This
17 is called compensatory damages.

18 Mr. Hunt told you he made \$78,700 and the
19 year after the article it went down to \$48,000 and in
20 1979 it was \$26,000. We are going down, down, down.

21 I suggest to you that the compensatory
22 damages in this case should be \$300,000 because that
23 is what Mr. Hunt lost up until today and this is what
24 Mr. Hunt has suffered up until today.

25 Liberty Lobby, according to their finan-

27

1 cial statement--and you will be able to see this in
2 the jury room--in 1980 they took in total receipts of
3 \$9,677,000. So it is growing by leaps and bounds at
4 about three million dollars a year according to this
5 financial statement.

6 They even recite in the back of this
7 that they are being sued by somebody else and Liberty
8 Lobby filed a countersuit in a suit for slander which
9 is the spoken word and Liberty Lobby is countering with
10 a lawsuit for three million dollars in compensatory
11 damages or general damages and a million dollars in
12 punitive damages.

13 This is an outfit that is dealing in
14 millions of dollars. They take in nine and a half
15 million dollars a year.

16 The lawsuit says that if you find that
17 Howard Hunt is entitled to punitive damages, that you
18 may find that as a deterrent to Liberty Lobby from doing
19 this to other people what they have done to Howard
20 Hunt that they admit, then you can apply what is called
21 punitive damages.

22 In this case, that would be a deterrent
23 and a lesson to Liberty Lobby that they have to inves-
24 tigate before they destroy someone.

25 And I think a third of yearly income for

28

1 that, three million dollars in punitive damages and
2 three hundred thousand in compensatory damages, and
3 your verdict will speak all over the world, as I said.

4 I think we can pick up the paper and see
5 where some baseball player is going to make one million
6 dollars or someone buys a race horse and puts him out
7 to stud or people go to an art gallery for a million
8 dollars.

9 Howard Hunt is asking you to erase what
10 is now in the record. He wants his name restored, and
11 just because he pleaded guilty to a crime at one time
12 is no license to destroy what is left of his life and
13 it is cruel to put this upon his children and, as I
14 started to say, a man's name is all he has in the world
15 and it is the most precious possession.

16 And we would like you to write a new
17 headline for the Spotlight, "Spotlight ordered to pay
18 3.3 million dollars to Howard Hunt."

19 Thank you.

20 THE COURT: Counsel.

21 MR. McGRANE: Ladies and gentlemen, if
22 I might start out by thanking you for your attention.
23 Every once and a while I would peek over to see if you
24 were paying attention when the depositions were being
25 read because that was a somewhat boring procedure, and

29

1 every person on the jury was listening carefully.

2 This is the hardest part of every trial
3 and that is the closing arguments. All that can be
4 said is said, and if you are thinking when is the show
5 going to stop, it isn't.

6 We are presenting to you to take on into
7 the jury room the hardest burden in the United States.
8 I think civil cases might be a little easier because
9 nobody is going to go to jail for the damage Mr. Hunt
10 has brought against my client, Liberty Lobby..

11 Before I started to jot a couple of notes
12 down that Mr. Rubin said.

13 He said that, "We put on all the effort
14 because we had to drag out of Liberty Lobby."

15 You are not allowed to put on cumulative
16 evidence. If Mr. Rubin had not put them on by deposi-
17 tion, we certainly would.

18 There is no reason for us to take more
19 time away from you, from your families and away from
20 the Court to repeat what was read to you.

21 Mr. Tucker was here in Miami and he
22 chose to put on in deposition form his testimony. That
23 was his choice.

24 MR. RUBIN: Your Honor, most respectfully
25 he is going outside the evidence in this case. How was

1 I to know that Mr. Tucker was in Miami?

2 MR. McGRANE: I told you.

3 MR. RUBIN: I move that that be stricken.

4 THE COURT: Objection overruled.

5 MR. RUBIN: I move that that last remark
6 be stricken.

7 THE COURT: Motion to strike is denied.

8 MR. McGRANE: Ladies and gentlemen, the
9 information that he had to drag from us, again I stipu-
10 late to the vast majority of the items because no one
11 is trying to hide behind one another and all of the
12 evidence you would have received would have been given.

13 He first decides what is put on and I
14 decide what is put on. What was left for us is for you
15 to hear from Mr. Bartell.

16 There is nothing left for you to hear.
17 It was all in evidence.

18 If I may, we are not dealing today with
19 who you like and who you don't like.

20 I think it is fair to say that you would
21 like a charming person like Mr. Hunt instead of a cor-
22 poration.

23 We are a corporation, Mr. Bartell and
24 Mr. Tucker, even though they are not present. We have
25 representatives from our company at all times here.

31

1 There is no way to bring Liberty Lobby into this court-
2 room, other than representatives.

3 -- I think to start off I would ask you to
4 read the article. You may think it is in artful and
5 you may think that some of the things done were a
6 little vague, but the article I believe is clear that
7 the main thrust is to tell the reader that the CIA at
8 the beginning, that the CIA was going to make Mr. Hunt
9 a scapegoat, and I believe that is under the photo-
10 graph of Mr. Hunt--excuse me--that Howard Hunt would
11 be thrown to the wolves and the CIA to "admit."

12 The whole purpose of this article, I
13 think when you read it in context and not taking it
14 paragraph-by-paragraph out, as Mr. Rubin has asked you
15 to read it, if you read it in the complete context, you
16 will see that it is not defamatory.

17 And if you disagree with me, certainly
18 that it shows no malice.

19 If you remember on voir dire, we dis-
20 cussed the fact that you may not like the law of the
21 First Amendment and you may not like the fact that
22 public figures must have a heavy burden of proving
23 libel which is clear and convincing proof of actual
24 malice, you may not like it but you took an oath that
25 you would apply the law given to you by the Court.

32

1 I am not going to yell and scream and
2 quote Shakespeare, but the Court will read you the law.
3 It can get rather-lengthy, but I ask you to listen
4 carefully.

5 The Court is going to tell you that Mr.
6 Hunt is a public figure.

7 The Court will also tell you that no
8 investigation prior to publication or poor investiga-
9 tion prior to publication or failure to talk to the
10 subject in and of itself does not constitute malice.

11 The Court is going to tell you that the
12 failure to retract an article does not constitute actual
13 malice.

14 The question is what was in the mind of
15 the author and publisher when they printed the article.

16 Now, you heard Mr. Carto and Mr. Tucker
17 as to their prior relationship with Mr. Marchetti.

18 Mr. Rubin used the word--I forget it--
19 I will say he was a maverick with the CIA. Admittedly
20 there was an injunction against Mr. Marchetti publish-
21 ing anything about the CIA.

22 I asked Mr. Hunt if he knew what the
23 subject of that injunction was. Mr. Hunt said--who is
24 a former CIA agent--he said under oath on this stand
25 that it was his understanding that the injunction

33

1 required all articles written by the CIA, before they
2 were published, to be examined, and that is why we
3 asked him and--told--him up until today that no one from
4 the CIA was contacted from the Spotlight in an effort
5 to enforce, to print a retraction.

6 What does this mean? Not much.

7 But that is what we are faced with here.
8 We have an article that mentions certain things the CIA
9 is going to do.

10 Admittedly the article makes certain
11 references to a memo which has never appeared and I
12 will be the first one to admit to you that it has never
13 appeared to this day.

14 But the CIA has not come forward at any
15 time to ask for a retraction, demand an enforcement of
16 the injunction they have against Mr. Marchetti.

17 What did Liberty Lobby do? They were
18 contacted by Mr. Marchetti. He either had the complete
19 story or had an idea for a story. He was interviewed
20 by Mr. Tucker.

21 According to Mr. Carto, he submitted his
22 manuscript. He had reliable sources; had written before
23 for Liberty Lobby on at least three separate occasions
24 but I believe it is four separate occasions; and never
25 had there been a problem prior to this article with

34

1 Mr. Marchetti.

2 Of course, one of the prior problems
3 dealt with the CIA and, again, there was no communica-
4 tion from the CIA about any problems.

5 Where is there malice? Mr. Hunt had a
6 famous article from the Miami Herald and other things
7 that he said or argued that should have put us on
8 notice about his involvement with the Kennedy assassina-
9 tion.

10 There is no testimony that we had actual
11 knowledge of these things.

12 I think Mr. Carto and Mr. Tucker said
13 this was based upon Mr. Marchetti's reputation, that
14 he had reliable sources and they had had no problem
15 with printing the article.

16 The article was run and a few days later
17 I received a letter from Mr. Rubin demanding a retrac-
18 tion.

19 I responded saying that we would make
20 further investigation. Please look at the words "fur-
21 ther investigation" in this letter.

22 Three weeks later, because Mr. Rubin had
23 not heard, he responded again and said, "Hey, what's
24 happening?"

25 Liberty Lobby responded by saying that

35

1 they had talked with Mr. Marchetti and he still sup-
2 ports his position that he has his reliable sources,
3 but we invite-you-or invited Mr. Hunt to come up and
4 supply us with any information he wished.

5 Did they ever supply us with anything
6 other than a demand letter?

7 Mr. Hunt said he wanted his name cleared.
8 His response to our request was this lawsuit, and that
9 is where we have been tied up since that time.

10 Ladies and gentlemen, as Mr. Rubin said,
11 it must show actual malice and it must be clear and
12 convincing and you may have read the article and I
13 really can't put myself in your position.

14 I said that you may think the article
15 was inartful and maybe they could have worded it dif-
16 ferently. But there is no malice.

17 You may not like my client and you may
18 love Mr. Hunt. But there is no malice here. You must
19 base your verdict on the facts in this case.

20 I don't have a sympathetic case to put
21 before you. I can't rant and rave. I have to ask you
22 to put on your blinders to emotion, put on your blinders
23 to the fact that there is a man who went through a
24 period in his life where he spent time incarcerated,
25 and I told you that I was not going to wave that around

1 the courtroom.

2 He has paid his debt to society and I
3 am saying that that should not be held against him and
4 I cannot say anything bad against Mr. Hunt.

5 Mr. Rubin has asked you for a large sum
6 of money. By him addressing that, I don't want you to
7 think that we are libel for anything.

8 When you go back into the jury room, you
9 can read the article and see if this constitutes actual
10 malice and should receive damages.

11 I am not going to get bleak here and
12 say, "What are the damages?" I hope you don't think I
13 am conceding any point because I am not.

14 Mr. Rubin made a big point that Liberty
15 Lobby brough no people down here.

16 Where was Mr. Hunt's witnesses about his
17 damages? He told you that he lost lectures and con-
18 tracts. I asked him if he had any witnesses to substan-
19 tiate that. He said, "Well, maybe my wife." No wit-
20 nesses.

21 I think the important thing and the most
22 direct question was, "When was the last contract that
23 you had dealing with lectures?"

24 Of course, he wasn't sure and I reminded
25 him that the last lecture he had made for pay was

1 December 1979.

2 Now, I want you to be reminded that our
3 newspaper article was published on August 8, 1978. For
4 some reason, and I do not know that reason, six months
5 before this article was published his lectures had
6 ceased. He had no contracts and I don't think you
7 have any evidence at all other than what he said hap-
8 pened, and there are no witnesses to support that.

9 There are no witnesses to support a
10 change in his social standing.

11 There are no witnesses to testify there
12 has been any change whatsoever because of this article
13 in the Spotlight.

14 I dare say, Howard Hunt was on the stand
15 for quite a long time and I apologize that the cross
16 examination wasn't that long. There is no reason to
17 go back into the background because, again, we are not
18 attacking the man. We are here to see whether Liberty
19 Lobby published an article that constitutes malice.

20 I don't think you can substantiate the
21 kind of money that Mr. Rubin has asked for. You can
22 take into account not only the net worth statement but
23 yet Mr. Rubin forgets to show that Liberty Lobby lost
24 \$53,000 and I think that the net worth is about \$400,000
25 There is not that kind of money that he speaks of there.

1 Ladies and gentlemen, it is all in evi-
2 dence and, like I said, without the flag waving and
3 if you put your blinders on to the obvious and forget
4 the sympathy because we are involved with a corporation
5 and when you do, there will be no evidence, absolutely
6 no evidence of actual malice of any kind on the part
7 of Liberty Lobby or any employee of the Spotlight.

8 When that article was written, it was
9 written in good faith and total belief that the CIA
10 was going to get Mr. Hunt and make him a scapegoat.

11 All I can say is that I am glad it didn't
12 happen.

13 Why didn't it? I don't know.

14 THE COURT: Thank you.

15 MR. RUBIN: Ladies and gentlemen, because
16 the plaintiff has the burden of proving his case, the
17 law allows his attorney to answer anything that has to
18 be said by the defendants.

19 The defendant says that since the CIA
20 has never questioned anybody at Liberty Lobby, what are
21 we here for?

22 The defendant is also saying that this
23 article probably save Howard Hunt from being exposed.
24 You see, they still believe that Howard Hunt was some-
25 how connected with the Kennedy murder.

1 They are telling you that if Spotlight
2 had not written this article, the Committee would have
3 called him and he would have been left to the hands of
4 the CIA and would have been tried.

5 Now they tell you that because they
6 wrote this article that didn't happen.

7 What a tangled web we weave when first
8 we practice to deceive.

9 They are caught in their own lies, in
10 their own testimony, and they are caught by the truth.

11 What is the truth in this case? Mr.
12 Carto, I asked him as a publisher, "What is your defi-
13 nition of defamation?"

14 He said, "Well, Mr. Rubin, if it is
15 false."

16 Now, obviously the article is false since
17 the CIA did not try to pin it on Mr. Hunt.

18 They really believe that they can take
19 the credit. He says, "That is my opinion. I really
20 believe it." Maybe they should send their bill to Mr.
21 Hunt for that.

22 I want you to send Mr. Carto a bill for
23 what he did and he still thinks he did something great
24 and wonderful.

25 My colleague talks to you about actual

1 malice, that we cannot prove that in this case. That
2 is their third line of defense.

3 I believe the Judge is going to instruct
4 you that actual malice, according to the law, refers to
5 the mental state of Liberty Lobby and they are respon-
6 sible for Mr. Marchetti and Mr. Tucker as their editor
7 and it refers to the mental state with respect to the
8 truthfulness of the alleged defamatory material.

9 You heard Mr. Carto say that there was
10 no memorandum and they are now admitting in open court
11 that Mr. Hunt was not in Dallas in 1963.

12 I think the deposition proves the rele-
13 vant state of mind of the publisher, and we have
14 brought you that evidence.

15 The law also, I believe, will say that
16 if you find Mr. Tucker acted unreasonably because Mr.
17 Marchetti brought in this article and Mr. Carto says,
18 "What are your sources?" and Mr. Marchetti says, "I got
19 some sources in the CIA and you will have to rely on
20 my integrity and nobody questioned my prior articles
21 and therefore I am a hundred percent sure you will not
22 do anything wrong to accept my article," the law says,
23 if a publisher publishes something with knowledge that
24 it is false or with reckless disregard of whether it
25 is false or not, is proof of actual malice and that is

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1 what we ask you to find.

2 Now, I have heard from the CIA and so
3 you have heard from the CIA and Liberty Lobby has not
4 heard from the CIA and they say that is their defense
5 to this whole case.

6 We offered into evidence the exhibit of
7 general counsel of the CIA and the executive secretary
8 for the CIA, and they swear in these affidavits that
9 they have looked in all of their registry, all of their
10 records, all of their data, all of their secret files
11 looking for any evidence of any CIA memorandum that
12 called for or was discussing the need for a cover story.
13 A diligent search disclosed no evidence of any such
14 memorandum because it was made up by somebody.

15 This newspaper took the story without
16 checking and relying on a man who was under injunction
17 by the United States of America, and they say, "Well,
18 this is a reliable man and we have every right to rely
19 on him and we are going to run this story and we are
20 not going to tell Howard Hunt because what good will it
21 do?"

22 Ladies and gentlemen of the jury, I don't
23 man to get choked up when I argue a case. I have been
24 thirty years walking up and down in front of juries and
25 sometimes I love being counsel for other people.

42

1 Some people are born to be something,
2 and I was born to be here on this day speaking to you.

3 -- On behalf of our system and considering
4 that nobody can listen to a radio in Poland, nobody
5 can turn on a television set, nobody can read a news-
6 paper, that sets us aside from every other society and
7 we hold that a man's name is just as valuable as any
8 other thing on this earth and more so.

9 This country stands for individuals.
10 The Government is prohibited from harming the individ-
11 ual by our laws and so are our publishers who, with
12 the influences, issue a pen and click a typewriter say-
13 ing Howard Hunt is going to be linked to the most
14 heinous crime of the century, that Howard Hunt is hated
15 by the CIA and they are going to sacrifice him.

16 Your verdict will speak the truth and the
17 truth is that Spotlight and Liberty Lobby did something
18 very wrong and they did it maliciously.

19 From all of the facts in this case, you
20 now realize that I didn't say what the net worth of
21 Liberty Lobby was because I don't think it is worth a
22 plug nickel. I only brought you what their income was
23 last year and it is three million dollars more than the
24 year before because they are selling more and more
25 copies of the paper you can trust.

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1 I want you to straighten that paper out.
2 I want you to tell Mr. Carto that he has to realize
3 that a publisher who is given vast rights under our
4 system, that when he abuses those rights, the system
5 has to tell him "no," because if you don't punish him
6 today he is going to do it next week.

7 He still thinks he was doing a favor to
8 Mr. Hunt.

9 We don't ask for favors. We ask for
10 justice.

11 I want to thank you for your close atten-
12 tion. This has been a very interesting emotional case.
13 Tomorrow morning you will wake up and you will go about
14 your daily lives and maybe you will remember this day
15 for some time.

16 I can tell you that more than Howard
17 Hunt and his wife, that Howard Hunt and the CIA and the
18 FBI is going to be thinking about what you do today.

19 Do what you think is right. Return a
20 verdict for Howard Hunt and for freedom and responsi-
21 bility of the press.

22 THE COURT: Thank you.

23 May I see you at sidebar?

24 [Sidebar conference between the
25 Court and counsel as follows:]

- 1 THE COURT: As I was going through this,
2 we had some editorial changes in the charge.

3 -- Number one, in the standard charge we
4 talk about plaintiffs must prove all of the elements
5 by a preponderance of the evidence. So what I propose
6 in that is to say the burden is on a plaintiff in a
7 civil action to prove and I have substituted this here
8 "except as I shall instruct you later, his claim by a
9 preponderance of the evidence."

10 Is there any objection?

11 MR. McGRANE: No, sir.

12 MR. RUBIN: No, your Honor.

13 THE COURT: In getting the standard
14 charges and my charges and your charges, we all left
15 out the final packet defining what is clear and con-
16 vincing.

17 MR. RUBIN: No, I did not.

18 THE COURT: It is not in there.

19 Oh, it was on a page-- I see.

20 In any event, we cite "clear and convinc-
21 ing evidence evidence is evidence that produces a firm
22 belief and conviction."

23 Any objection to that?

24 MR. RUBIN: No, your Honor.

25 THE COURT: We can start with the Florida

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1 standards and then go back to that.

2 Any objection?

3 -- MR. RUBIN: No, your Honor.

4 MR. McGRANE: No, sir.

5 [Sidebar conference concluded.]

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OFFICIAL COURT REPORTERS

U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

1 THE COURT: Members of the jury, now
2 that you have heard all of the evidence and the argu-
3 ment of counsel, it becomes my duty to give you the
4 instructions of the Court concerning the law applicable
5 to this case.

6 It is your duty as jurors to follow that
7 law as I shall state it to you, and to apply that law
8 to the facts as you find them from the evidence in the
9 case.

10 You are not to single out one instruc-
11 tion alone as stating the law, but you must consider
12 the instructions as a whole.

13 Neither are you to be concerned with
14 the wisdom of any rule of law stated by me.

15 Regardless of any opinion that you
16 may have as to what the law is or ought to be, it
17 would be a violation of your sworn duty to base a
18 verdict upon any view of the law, other than that given
19 in the instructions of the Court, just as it would
20 also be a violation of your sworn duty as judges of
21 the fact, to base a verdict upon anything other than
22 the evidence in the case.

23 In deciding the facts of this case,
24 you must not be swayed by bias or prejudice or favor
25 as to any party. Our system of law does not permit

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1 jurors to be governed by prejudice or sympathy or
2 public opinion. Both the parties and the public expect
3 that you will carefully and impartially consider all
4 of the evidence in the case, follow the law as stated
5 by the Court, and reach a just verdict, regardless of
6 the consequences.

7 This case should be considered and
8 decided by you as an action between persons of equal
9 standing in the community and holding the same or
10 similar stations in life.

11 A corporation is entitled to the same
12 fair trial at your hands as in a private individual.
13 The law is no respecter of persons, and all persons,
14 including corporations, stand equal before the law
15 and are to be dealt with as equals in a court of
16 justice.

17 When a corporation is involved, of
18 course, it may act only through natural persons as its
19 agents or employees, and in general any agent or
20 employee of a corporation may bind the corporation by
21 his acts and declarations made while acting within the
22 scope of his authority delegated to him by the corpora-
23 tion, or within the scope of his duties as an employee
24 of the corporation.

25 As stated earlier, it is your duty to

1 determine the facts, and in so doing you must consider
2 only the evidence I have admitted in the case.
3 The term "evidence" includes the sworn testimony of the
4 witnesses and the exhibits admitted in the record.

5 Remember that any statements, objections
6 or arguments made by the lawyers are not evidence in
7 the case. The function of the lawyers is to point out
8 those things that are most significant or helpful to
9 their side of the case, and in so doing, to call your
10 attention to certain facts or inferences that might
11 otherwise escape your notice.

12 In the final analysis, however, it is
13 your own recollection and interpretation of the
14 evidence that controls in the case. What the lawyers
15 say is not binding upon you.

16 So while you should consider only the
17 evidence in the case, you are permitted to draw such
18 reasonable inferences from the testimony and exhibits
19 as you feel are justified in the light of common
20 experience. In other words, you may make deductions
21 and reach conclusions which reason and common sense
22 lead you to draw from the facts which have been
23 established by the testimony and evidence in the case.

24 The Court now instructs you that
25 publishers can be held vicariously liable for knowing

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1 falsehood offered by freelance writers.

2 An act of an employee or agent, to become
3 the act of Liberty Lobby, Inc., must be performed by
4 the agent, while acting within the scope of his
5 employment.

6 The Court charges you as a matter of
7 law, that before any acts of knowledge of Victor
8 Marchetti or James P. Tucker may be imputed to the
9 defendant, Liberty Lobby, Inc., plaintiff must prove
10 by a preponderance of the evidence that the defendant,
11 Liberty Lobby, Inc., had actual knowledge of its
12 facts and information, or that Marchetti and Tucker
13 were acting in the scope of their employment when they
14 performed the acts or required the information.

15 Now, I have said that you must con-
16 sider all of the evidence. This does not mean, how-
17 ever, that you must accept all of the evidence as true
18 or accurate.

19 You are the sole judges of the credi-
20 bility or believability of each witness and the weight
21 to be given to his testimony.

22 In weighing the testimony of a witness,
23 you should consider his relationship to the plaintiff
24 or to the defendant, his interest, if any, in the
25 outcome of the case; his manner of testifying; his

5 opportunity to observe or acquire knowledge concerning
1 the facts about which he testified; his candor, fair-
2 ness and intelligence; and the extent to which he
3 has been supported or contradicted by other credible
4 evidence. You may, in short, accept or reject the
5 testimony of any witness in whole or in part.
6

7 Also, the weight of the evidence is
8 not necessarily determined by the number of witnesses
9 testifying as to the existence or non-existence of
10 any fact.

11 You may find that the testimony of a
12 smaller number of witnesses as to any fact is more
13 credible than the testimony of a larger number of
14 witnesses to the contrary.

15 A witness may be discredited or
16 impeached by contradictory evidence, by a showing that
17 he testified falsely concerning a material matter, or
18 by evidence that at some other time the witness has
19 said or done something, or has failed to say or do
20 something, which is inconsistent with the witness'
21 present testimony.

22 If you believe that any witness has
23 been so impeached, then it is your exclusive province
24 to give the testimony of that witness such credibility
25 or weight, if any, as you think it deserves.

6
1 The fact that a witness has previously
2 been convicted of a felony or a crime involving dis-
3 honesty or false statement, is also a factor that you
4 may consider in weighing the credibility of that witness.
5 The fact of such a conviction does not necessarily
6 destroy the witness' credibility, but is one of the
7 circumstances you may take into account in determining
8 the weight to be given to his testimony.

9 Now, ladies and gentlemen, the burden
10 is on a plaintiff in a civil action such as this to
11 prove, except as I shall instruct you later, his claim
12 by a preponderance of the evidence.

13 A preponderance of the evidence means
14 such evidence as, when considered and compared with
15 that opposed to it, has more convincing force and
16 produces in your minds a belief that which is sought
17 to be proved is more likely true than not true.

18 In other words, to establish a claim
19 by a preponderance of the evidence merely means to
20 prove that the claim is more likely so than not so.

21 In determining whether any fact in issue
22 has been proved by a preponderance of the evidence,
23 the jury may consider the testimony of all the
24 witnesses, regardless of who may have called them,
25 and all the exhibits received in evidence, regardless

1 of who may have produced them.

2 If the proof should fail to establish
3 any essential element of the plaintiff's claim by a
4 preponderance of the evidence, the jury should find
5 for the defendant as to that claim.

6 Now, the plaintiff has filed suit seek--
7 ing actual and punitive damages on account of an
8 alleged libel and defamation in the form of a newspaper
9 article published by the defendant of and concerning
10 him.

11 A libel is a false and malicious
12 defamation of a person by printing or writing, tending
13 to provoke him to wrath or to expose him to public
14 hatred, contempt or ridicule, or to deprive him of
15 the benefits of public confidence and social intercourse

16 Under our law, a person's good reputation
17 is held in high regard, and when it is falsely attacked
18 the law gives him the opportunity to bring a libel
19 action to recover damages.

20 When the plaintiff is a public figure,
21 and the Court now instructs you that plaintiff E.
22 Howard Hunt is a public figure, and the alleged libel
23 relates to his conduct, then the plaintiff must bear
24 an additional requirement and must establish by clear
25 and convincing evidence that the alleged libel was

8
1 published with actual malice.

2 A public figure may recover damages for
3 a defamatory falsehood whose substance makes substantial
4 danger to reputation apparent on a showing of highly
5 unreasonable conduct constituting an extreme departure
6 from the standards of investigation and reporting
7 ordinarily adhered to by responsible publishers.

8 The plaintiff's claim consists of six
9 essential elements as follows:

10 First, that the defendant published
11 written statements, as opposed to oral statements.

12 Second, that the written statements
13 constituted libel as the term is defined for you in
14 these instructions.

15 Third, that the publication was of and
16 concerning the plaintiff.

17 Fourth, that the publication was com-
18 municated to third persons.

19 Fifth, that the publication was false
20 in some material particular; and

21 Sixth, that the written statements were
22 published with actual malice, as the term is explained
23 in these instructions.

24 The burden of proof is on the plaintiff
25 to prove the first five of these elements by a

1 preponderance of the evidence.

2 The burden is stricter with regard to
3 the sixth element, the element of actual malice. The
4 plaintiff has the burden of establishing by clear
5 and convincing evidence, that the publication was made
6 with actual malice.

7 If you find that the plaintiff has
8 established these six elements by the standards here
9 explained, you may find for the plaintiff. If you
10 find that he has failed to establish any element, then
11 it is your duty to find for the defendant.

12 As has been said, the burden of proof on
13 each element is on the plaintiff. The defendant is
14 not obliged to call any witnesses or to introduce any
15 evidence.

16 Let me now define clear and convincing
17 evidence, as distinguished from preponderance of the
18 evidence. Clear and convincing evidence is evidence
19 that produces a firm belief and conviction.

20 A publication is made with actual
21 malice, as that term is used in this charge, if it is
22 made with knowledge that it is false, or with reckless
23 disregard of whether it is false or not.

24 I further instruct you that actual
25 malice refers to the mental state of the publisher,

1 Liberty Lobby, Inc., with respect to the truthfulness
2 of this alleged defamatory material. Proof of such a
3 mental state may be inferred from circumstances and
4 any direct or indirect evidence relevant to the state
5 of mind of the publisher.

6 In determining whether the defendant
7 acted with actual malice, you should consider the
8 circumstances under which the article was published,
9 including the publisher's knowledge of the author's
10 reputation.

11 If you determine that the publisher
12 actually believed that the material contained in the
13 article was dependable and truthful, there is no
14 actual malice.

15 Failure by the defendant to investigate,
16 to talk with the plaintiff before publishing the
17 article, or to verify the information contained in
18 this article, is insufficient to establish that the
19 defendant, Liberty Lobby, acted with malice, and failure
20 to retract the article is insufficient to prove malice.

21 Recklessness implies a higher degree of
22 culpability than negligence. A failure to exercise
23 ordinary or reasonable care in ascertaining the truth
24 of published material does not, standing alone, render
25 a publisher liable in damages for a defamation of a

11/

1 public official or public figure.

2 In order to establish recklessness,
3 the plaintiff must prove that the defendant had a
4 high degree of awareness of the probable falsity of
5 the statements published.

6 I instruct you that repetition of
7 another's words does not release one of responsibility,
8 if the repeater knows that the words are false, or
9 inherently improbable, or there are obvious reasons
10 to doubt veracity of the person quoted or the accuracy
11 of his reports.

12 One cannot fairly argue his good faith
13 or avoid liability by claiming that he is relying on
14 the reports of another, if the latter's statements or
15 observations are altered or taken out of context.

16 If you find for Liberty Lobby, Inc.,
17 you will not consider the amount of damages. But if
18 you find for E. Howard Hunt, Jr., you should award
19 Howard Hunt an amount of money that the preponderance
20 of the evidence shows will fairly and adequately comper
21 sate Howard Hunt for such damages as the greater weight
22 of the evidence shows was caused by the publication
23 complained of.

24 A publication is a cause of damage if
25 it directly and in natural and continuance sequence,

1 produces or contributes substantially to producing
2 such damage. If you find for Howard Hunt, you shall
3 consider the following elements of damages:

4 Any injury to reputation or health, and
5 any shame, humiliation, mental anguish, and any hurt
6 feelings experienced in the past. There is no exact
7 standard for fixing the compensation to be awarded on
8 account of such elements of damage. Any award should
9 be fair and just, in the light of the evidence.

10 Any earnings lost in the past, and any
11 loss or ability to earn money sustained in the past.

12 If you find for Howard Hunt, you may,
13 in your discretion, assess punitive damages against
14 Liberty Lobby as punishment and a deterrent to others.

15 If you find that punitive damages should
16 be assessed against Liberty Lobby, you may consider
17 the financial resources of Liberty Lobby in fixing the
18 amount of such damages.

19 As I stated, the plaintiff claims that
20 the acts of the defendants were done willfully, inten-
21 tionally or with calous and reckless indifference to
22 plaintiff's rights, so as to entitle him to an award
23 of punitive damages, in addition to compensatory
24 damages.

25 If you find for the plaintiff, and if

1 you further find that any defendant did act with
2 malice, willfulness or calous and reckless indifference
3 to the rights of others, the law would allow you, in
4 your discretion, to assess punitive damages against
5 such defendant as punishment and as a deterrant to
6 others.

7 If you find that punitive damages should
8 be assessed against the defendant, you may consider
9 the financial resources of such defendant in fixing
10 the amount of such damages.

11 You are further instructed that any
12 person who claims damages as a result of an alleged
13 wrongful act on the part of another has a duty under
14 the law to mitigate those damages, that is, to take
15 advantage of any reasonable opportunity he may have
16 had under the circumstances, to reduce or minimize the
17 loss or damage.

18 Of course, the fact that I have given
19 you instructions concerning the issue of the plaintiff's
20 damages, should not be interpreted in any way as an
21 indication that I believe that the plaintiff should or
22 should not prevail in this case.

23 Your verdict must represent the con-
24 sidered judgment of each juror. In order to return a
25 verdict, it is necessary that each juror agree thereto.

14 In other words, your verdict must be unanimous.

1 It is your duty as jurors to consult with
2 each other and to deliberate with a view to reaching
3 an agreement, if you can, do so without violence to
4 individual judgment.
5

6 Each of you must decide the case for
7 yourself, but only after an impartial consideration of
8 all the evidence in the case with your fellow jurors.

9 In the course of your deliberations,
10 do not hesitate to re-examine your own views and change
11 your opinion, if convinced it is erroneous. But do
12 not surrender your honest conviction as to the weight
13 or effect of the evidence simply because of the opinion
14 of your fellow jurors, or for the mere purpose of
15 returning a verdict.

16 Remember at all times that you are not
17 partisans; you are judges, judges of the facts. Your
18 sole interest is to seek the truth from the evidence
19 in the case.

20 Now, upon retiring to the jury room,
21 you should first select one of your number to act as
22 your foreman or forewoman who will preside over your
23 deliberations and will be your spokesman here in court.

24 A form of verdict has been prepared for
25 your convenience.

15.

1 If it is your intention, ladies and
2 gentlemen, to return a verdict for the plaintiff, the
3 verdict would read:

4 "We, the jury, find for the
5 plaintiff, E. Howard Hunt, and
6 assess damages in the amount of"

7 and there would be the words "compensatory" and a
8 blank, and then the word "punitive," with a blank,
9 which you would deem to be appropriate.

10 In that regard, let me say this to you.
11 Under the instructions of the Court, you may return
12 compensatory damages and punitive damages, in your
13 discretion, and you may return compensatory, but you
14 may not return punitive without compensatory damages.

15 If it is your intention to return a
16 verdict for the defendant, the form of verdict will
17 be as follows:

18 "We, the jury, find for the
19 defendant, Liberty Lobby. So say
20 we all. Dated, Miami, Florida."

21 And it will be signed by your foreperson.

22 Now, you will take the verdict forms
23 to the jury room, and when you have reached unanimous
24 agreement as to your verdict, you will have your fore-
25 man fill it in, date it and sign, and then return to

16 the courtroom.

1 If during your deliberations you should
2 desire to communicate with the Court, please reduce
3 your message or question to writing, signed by the
4 foreman or forewoman, and pass the note to the Marshal,
5 who will bring it to my attention.
6

7 I will then respond as promptly as
8 possible, either in writing or by having you return to
9 the courtroom so that I can address you orally.

10 I caution you, however, with regard to
11 any message or question you might send, that you should
12 never state or specify your numerical division at that
13 time.

14 Young lady who has acted as an alternate
15 I am going to permit you to please step down, and you
16 may leave. And call the Code-A-Phone this evening,
17 and they will give you their instructions, and they will

18 I thank you for paying careful attention
19 to the evidence, as it was received.

20 Ladies and gentlemen, I have given you
21 all of the instructions. And maybe the most pertinent
22 one you want, which is that it is now lunchtime, and
23 we are going to let Uncle Sam buy your lunch. So put
24 down what you want in the way of a sandwich, or some
25 thing of that type.

17 We are going to have the verdict form,
1 together with all of the exhibits which have been
2 received in evidence, brought to you immediately.
3

4 Ladies and gentlemen, you may now
5 retire to consider your verdict.

6 [Jurors retired to consider
7 their verdict at 12:05 p.m.]

8 THE COURT: Let the record reflect that
9 the jury has retired from the court.

10 Plaintiff, any additional requested
11 charges?

12 MR. RUBIN: No, sir.

13 THE COURT: Defendant, any additional
14 requested charges?

15 MR. McGRANE: No, sir.

16 THE COURT: Any objections not noted
17 at the time of the charge conference?

18 MR. RUBIN: No, sir.

19 MR. McGRANE: No, sir.

20 THE COURT: Thank you, gentlemen. Be
21 seated for just a moment. I want to take a moment and
22 address myself directly to Mr. Hunt and to you, sir,
23 as a representative of the defendant company.

24 It is my personal judgment that both
25 sides have been very competently represented. I think

18

your attorney and I think your counsel has done the best during the course of this trial, conducting themselves in the very best traditions of the American Bar Association. They have taken a very complex and factual legal matter, reduced it for determination, and they have been an aid and assistance to this Court. And gentlemen, I thank you for that.

We will let you all be in recess until 1:00 o'clock. That will give you fifty-five minutes for lunch.

Court will be in recess.

[Recess taken at 12:05 p.m.]

[Jury enters the courtroom.]

THE COURT: You have arrived at a verdict?

THE FOREPERSON: Yes, we have.

THE COURT: Would you please give it to the Marshal.

Publish the verdict.

THE CLERK: "Wednesday, December 17, 1981, in the Southern District of Florida, Case No. 80-1121 Civil JWK. E. Howard Hunt versus Liberty Lobby.

"We, the jury, find for the plaintiff E. Howard Hunt, and assess

OFFICIAL COURT REPORTERS

U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

19

1 damages in the amount of compensatory,
2 \$100,000, punitive, \$550,000. So say
3 we all.

4 "Miami, Florida, the 17th day of
5 December, 1981."

6 THE COURT: Please poll the jury.

7 [Jury polled.]

8 THE COURT: Let the verdict which has
9 been duly published, upon which this jury has been
10 polled, now be recorded.

11 Thank you, ladies and gentlemen, for
12 rendering your civic duty. I know how difficult a job
13 it is to make these decisions, and we do resolve and
14 give to you the most difficult of our task in our
15 judicial society, and that is to be the ultimate
16 trier of the facts.

17 We appreciate very much the contribution
18 that you make. You are the indispensable functions to
19 a free judicial system, and we thank you for your
20 performing this function.

21 [Thereupon the trial was

22 concluded at 3:35 p.m.]

23

24

25

CERTIFICATE

STATE OF FLORIDA)

COUNTY OF DADE) SS

COUNTY OF DADE)

I, ELAINE SOMMA, Court Reporter, do hereby certify that the foregoing transcript, pages 1 through 526, is a true and correct transcription of my stenographic notes of the proceedings before the Honorable JAMES W. KEHOE, United States District Judge, at the time and place hereinabove set forth.

DATED at Miami, Dade County, Florida, this 20th day of May 1982.

OFFICIAL COURT REPORTERS

U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

1 I now am able to vote, to stand, I
2 suppose, for public office, if I so choose to.

3 I can now carry arms, as any other
4 citizen; rights that were denied me as a result of
5 my plea to a felony charge.

6 Q Can you serve on a jury now?

7 A I am not sure.

8 Q You had to make application?

9 A I had to make application to the State
10 of Florida, which I did, as I recall, in 1979, that
11 being the earliest following my release from prison that
12 I could do so.

13 In the interim, the Spotlight article
14 had appeared, and I was very much concerned about its
15 possible affect on the people in Tallahassee who make
16 those decisions, regarding the restoration of civil
17 rights, which is actually by the Governor.

18 I knew that the investigators for the
19 HRC would be examining my federal files which were kept
20 for a time, at least, in the Office of the probation
21 officer here in the Federal Courthouse in Miami.

22 I knew that FBI records would be
23 examined by the investigators, and so I was very appre-
24 hensive for a long period of time. And there seemed to
25 be infinite delays in the entire matter, and I became

Hunt - direct

1
2 very concerned that there was a correlation with the
3 difficulties I was encountering, with getting restora-
4 tion of my civil rights, and the new doubts that may
5 have been raised as a result of the article.

6 In any event, finally, in December of
7 1980, I was given back my civil rights by the Governor.

8 Q I think I overlooked this. When you
9 first became aware of the publication of this article,
10 and before you authorized me to send a letter to the
11 publisher asking for a retraction and correction, had
12 you been contacted by anyone connected with Liberty
13 Lobby, or Mr. Marchetti, or the Spotlight Newspaper,
14 concerning the contents of the article?

15 A No.

16 Q Has anyone ever accused you in print of
17 murdering your first wife, Dorothy?

18 A Not that I know of.

19 Q If they had, you would be aware of it?

20 A I would think so.

21 Q Mr. Hunt, I now want to go through this
22 article with you, and I want you to tell me what is
23 true and what is false.

24 For this purpose, may I again re-
25 distribute to the jury the article?

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF FLORIDA

No. 80-1121-Civ-JWK

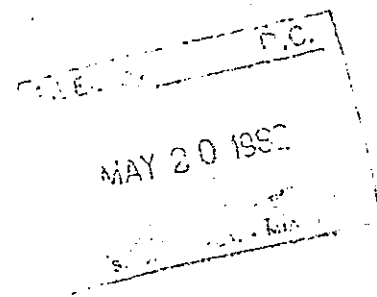
E. HOWARD HUNT, JR.,

Plaintiff,

vs.

LIBERTY LOBBY, INC., a
Washington, D.C., corpor-
ation,

Defendant.

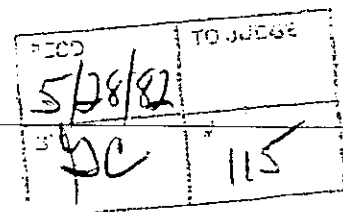


United States Courthouse
300 Northeast 1st Avenue
Miami, Floirda
Wednesday, December 16, 1981
9:00 a.m.

The above-entitled cause came on for trial
before the Honorable JAMES W. KEHOE, United States
District Judge, and a jury, at the time and place
aforesaid, pursuant to adjournment taken on Tuesday,
December 15, 1981.

APPEARANCES:

SAME AS HERETOFORE NOTED.



I N D E X

<u>Witnesses</u>	<u>Direct</u>	<u>Cross</u>	<u>Red.</u>	<u>Rec.</u>
E. Howard Hunt, Jr.	202	278	--	--
Willis Carto [depo.]	283	--	--	--
James P. Tucker, Jr. [depo.]	361	--	--	--

EXHIBITS

<u>PLAINTIFF'S</u>	<u>FOR IDEN.</u>	<u>IN EVID.</u>
No. 5-A	208	--
No. 10	--	267
No. 4-A	271	--
No. 5-A	271	--
No. 11	--	282
Composite No. 12	--	282
No. 13	--	282
No. 14	--	283
No. 15	--	283

[Jury not present.]

1
2 MR. RUBIN: Your Honor, the first
3 motion I have, and I have several motions that we
4 might as well dispose of while the jury is out, but
5 the first one is to get those FBI records or reports
6 into evidence.

7 And the Court asked what Rule we were
8 relying on, for the FBI records. First, your Honor,
9 we have to assume that counsel is going to recognize
10 that the original of this affidavit and the cover
11 document listing all of the items signed by the Chief
12 of Records Section of the FBI, in which he certifies
13 that all of the documents are true copies which are
14 maintained in the files of the FBI headquarters, and
15 that statement is signed, notarized, and the original
16 is in the court file in the other case of Hunt versus
17 Weberman.

18 If we assume that the original is
19 signed and notarized, I don't know if there is any
20 objection.

21 MR. McGRANE: If Mr. Rubin says it is,
22 then it is.

23 MR. RUBIN: As an officer of the court,
24 I would represent that.

25 THE COURT: You are relying on 9024?

3
1 MR. RUBIN: I would have the Court look
2 at 802.8.

3 THE COURT: You are mixing apples and
4 oranges. 803 is hearsay. The first hurdle is to
5 authenticate it.

6 MR. RUBIN: I thought they were object-
7 ing as to the hearsay.

8 MS. HARTLEY: We have an objection to
9 the authenticity.

10 THE COURT: What is your objection to
11 902.4?

12 MS. HARTLEY: Our objection is to 902.2.

13 MR. RUBIN: Well, your Honor, I am
14 looking at 902.8 and the notes on that indicate that
15 the Court should accept those.

16 MR. McGRANE: If I may, these are, as
17 I understand it, records that were compiled by an
18 investigation by the FBI.

19 As I understand Subparagraph 4, we are
20 dealing with documents that are more the type that
21 are public records in the Clerk's office and what
22 have you, where people are required by various
23 statutes to be on constructive notice of these documents.

24 The documents that we have here, that
25 one, if you knew about them you could have made a

4
1 formal request to go get them, and that is the type
2 these documents are. You had to make application
3 under the Freedom of Information Act, where the docu-
4 ment, as I read Subparagraph 4, are documents that you
5 are put on knowledge of liens, deeds, mortgages,
6 judgments, things that are required by the statute to
7 be put in various places; and I don't think that
8 Subparagraph 4 is applicable, because we are dealing
9 with the different quality or different types of
10 documents.

11 THE COURT: I understand your theory.
12 Do you have any authority you want me to consider?

13 MR. McGRANE: Candidly, no, sir. I do
14 not.

15 MR. RUBIN: There is notes of the
16 Committee on 902.8 that I have in the Federal Rules
17 1980 Edition, put out by West Publishing Company.

18 Now, 902.8 says that documents accom-
19 panied by a certificate of acknowledgement, executed
20 in the manner provided by law, by a Notary Public,
21 and the notes say that this Rule, as submitted by
22 the Court, refers to certificates of acknowledgement
23 under the hand and seal of a notary public or other
24 officer authorized by law to acknowledge.

25 The Committee amended the Rule to

5
1 amend the requirement regarding a notary seal being
2 affixed to a document acknowledged before him. So
3 they don't require the seal of the notary, but it is
4 sealed and notarized in the original document, anyway.

5 THE COURT: My first announcement is,
6 it is not self-authenticating under 902.4.

7 What is the other; 902.8?

8 MR. RUBIN: Yes, and I read the Court
9 the Committee note that you did not have to affix the
10 notary seal. But in this case the notary seal is
11 affixed, anyway.

12 THE COURT: What is your argument with
13 reference to the applicability of 902.8?

14 MR. McGRANE: Judge, that deals with
15 acknowledged documents. That is a document that, in
16 itself, has the acknowledgement built in. The note
17 deals specifically with titles if you look at the
18 Committee note in paragraph 8, where it says it deals
19 with acknowledged title documents.

20 And I think here, Judge, we are dealing
21 again with a different type. I think the only two
22 paragraphs in the self-authentication Rules of Evidence
23 that apply are paragraphs 1 and 2, and I think the
24 rest are different types of documents.

25 Otherwise, you don't have to go any

1 further than paragraph 1 or 2. You will note that
2 the difference is public documents, as compared to
3 public records. -

4 I don't know what your Honor's reason
5 for the ruling under Paragraph 4, but you will notice
6 that each paragraph deals with a different type of
7 document.

8 THE COURT: All right. I am going to
9 take them one at a time, as best and quickly as I can.
10 I don't think this comes under 902.8, acknowledged
11 documents.

12 What do you have for a domestic document
13 not under seal?

14 MS. HARTLEY: Judge, under 902.2, if
15 you have a signature as we do in this case, which is
16 not under seal, you must have an additional signature
17 of a public officer having a seal and having official
18 duties in the political or subdivision of the office
19 or employee which certifies under seal that the signer
20 has the official capacity.

21 So you have to have an official seal
22 from a public officer which says that the signer has
23 official capacity and that the signature is a genuine
24 signature, in this case the signature of the records
25 custodian.

7
1 THE COURT: I will give you enough
2 time to get somebody from Washington. I think it
3 would come under 902, and I will give you what time
4 is necessary. The objection is sustained.

5 MS. HARTLEY: I would make an additional
6 objection.

7 THE COURT: You only need one.

8 MR. RUBIN: Maybe she should state it
9 now.

10 THE COURT: You haven't learned when you
11 score a touchdown, to get off the field. If you
12 haven't learned, have you ever had a judge change his
13 mind?

14 MR. LEE: Your Honor, before we take
15 up something, you mentioned giving Mr. Rubin time to
16 get the document from Washington. Will that mean more
17 days?

18 THE COURT: Sure it does.

19 MR. RUBIN: We may have to go up there
20 for a deposition of the confidential source, if the
21 Judge gets to that and rules in my favor.

22 So I intend to take that up today. And,
23 in fact, we might take that up now.

24 But first I intend to introduce sealed
25 certificates from the CIA, in compliance with the rule

8
1 that my colleague has just pointed out to the Court.

2 This is your copy. These are correctly
3 sealed and sworn to and signed. These are statements
4 and affidavits from certified employees of the CIA,
5 which purport to explain where Howard Hunt was on
6 November 22, 1963, according to their records, and
7 that there is no 1966 secret memorandum in existence
8 which states that Howard Hunt would have to come up
9 with an alibi for where he was.

10 This is in accordance with 902, I guess
11 it would be 902.1 under seal, because we have the
12 seal now, and I submit these to the Court for entry
13 into the record.

14 MR. McGRANE: Judge, this isn't in
15 accordance with anything.

16 THE COURT: Maybe I need some additional
17 education, but this is not a public document. These
18 are affidavits of individuals.

19 MR. RUBIN: Sir, this is done in accor-
20 dance with the Rules. I don't know if I stated 902
21 correctly, but the cover document is a certificate
22 from the man who holds the seal of the CIA.

23 Then he states he certifies that the
24 attached affidavit is sealed.

25 MR. McGRANE: Formally, for the record,

9
1 we object to these. They are not public records.

2 They are mere affidavits of individuals.

3 THE COURT: Wouldn't this come under
4 1005?

5 MR. McGRANE: Your Honor, I believe it
6 says with testimony; it doesn't say by affidavit. It
7 would be entirely impossible for us to cross examine
8 the affidavit as to the sufficiency of the search,
9 the adequacy of the search, his relationship, if any,
10 with Mr. Hunt, any motives he may have had.

11 The fact that the CIA may have had a
12 destruction policy where documents are destroyed after
13 certain periods of years, and this document would fall
14 under that classification.

15 As I read these documents, it says he
16 made a search and could not find one. That doesn't
17 mean there was not one.

18 We would be precluded from examining this
19 individual.

20 Lastly, this individual's clearance may
21 have been such that may have been classified and he
22 may not have been allowed to go into that level.

23 This leaves too many questions un-
24 answered and we would be precluded from answering those
25 questions if a mere affidavit was allowed to go into

10
1 evidence.

2 THE COURT: Objection will be sustained.

3 -- Then you have other remedies you can
4 make available to get those down here for this trial.
5 So at this point it is up to you to determine, and
6 as I said I will give you a reasonable time, based on
7 the Court's ruling, to take what I consider--well, I
8 am not practicing law, but you know.

9 MR. RUBIN: I was in constant touch
10 with general counsel for the CIA, which gave me the
11 rule that these are admitted in every Federal Court.

12 THE COURT: I think possibly there is
13 one, and maybe I will reconsider, and that is that he
14 check the records and there is no such document.

15 MR. McGRANE: If I could, for the record,
16 you filed upon us a request for production. We are
17 giving you the only financial statements we have in
18 our possession that are available, and I think it is
19 pretty close to the time period.

20 We do not have a current one for this
21 year. We also have our statement of owner management
22 circulation. We have a copy of the draft to Victor
23 Marchetti and a few other invoices and other things
24 you requested.

25 Lastly, we do not have a separate

11 computer printout concerning the number of subscribers
1 in Florida.
2

3 Mr. Miller, our manager, took the
4 liberty of doing that by hand and giving you the dis-
5 tributors that are available.

6 MR. RUBIN: There was one other thing
7 I asked for, and that was the original of the manu-
8 script.

9 MR. McGRANE: Yes, I am sorry. I have
10 that in my file.

11 THE COURT: May I see or have a copy
12 of those affidavits that you have, so that I can study
13 the contents a little more?

14 MR. RUBIN: Here's a copy. I will keep
15 the original.

16 MR. McGRANE: Lastly, for the record,
17 in compliance with the request to produce at trial,
18 we are producing the original manuscript of this article
19 as requested by Mr. Rubin.

20 MR. RUBIN: Thank you very much.

21 MR. McGRANE: Does that comply?

22 MR. RUBIN: I believe it does. Thank
23 you.

24 Your Honor, we are going to offer the
25 final report of the Select Committee on Assassinations,

12

1 which refers to Mr. Hunt. This was published and
2 issued in July of 1979.

3 -- MR. McGRANE: Is this the Dell edition?

4 MR. RUBIN: There was only one company
5 that was given the rights to print it.

6 MR. McGRANE: Your Honor, I think the
7 point we have been trying to make throughout this
8 case, I think Mr. Rubin is trying to prove that Mr.
9 Hunt was not in Dallas, Texas, at the time.

10 I think I stipulated in opening argument
11 in my opinion, in our opinion, that he probably was
12 not there. We are not going to prove that he was in
13 Dallas.

14 Our case was, we had this information
15 from the CIA. The various information that he is
16 attempting to put into evidence I think is prolonging
17 the trial, for an issue that is really not an issue.
18 I think the final assassination report is one of them.

19 Also, there is a Bantam book edition
20 with extraneous material, with introductions by people,
21 and forwards by people, and because of that, I would
22 object to this. I don't see where it is probative--
23 maybe one paragraph of it.

24 But to ask the jury to read this whole
25 book, it is not relevant, authenticated in any way,

1 and I don't see the purpose for it in this trial.

2 MR. RUBIN: If I may respond, your
3 Honor?

4 THE COURT: Yes.

5 MR. RUBIN: The defendants object that
6 we are trying to prove something that they stipulated,
7 that Howard Hunt was not in Dallas on the date Kennedy
8 was killed.

9 I have not accepted the stipulation,
10 because in the article which is the subject of this
11 lawsuit, one of the paragraphs says:

12 "Now, the CIA moved to finger
13 Hunt and tie him into the JFK assassi-
14 nation. The House Committee on
15 Assassinations unexpectedly₁₅ received
16 an internal CIA memorandum₁₅ a few weeks
17 ago that the agency just happened to
18 stumble across in its old files. It
19 was dated 1966 and said, in essence:
20 Some day we will have to explain Hunt's
21 presence in Dallas on November 22, 1963,
22 the day President Kennedy was killed.
23 Howard Hunt is going to be hardput to
24 explain this memorandum and other
25 things before the TV cameras at the

1 House Select Committee on Assassini-
2 nation Hearings."

3 -- We are alleging this is a fabrication
4 and fault, and it is very defamatory, because the
5 attempt to put Howard Hunt in Dallas, and that the CIA
6 is covering up for the fact that he was in Dallas--

7 THE COURT: What better evidentiary
8 matter can you have at your disposal than the stipula-
9 tion that he was not there?

10 MR. RUBIN: Because we would have to
11 show what Howard Hunt had to go through to get the
12 clearance by the Select Committee after this book was
13 published.

14 THE COURT: You can show all that.
15 They have stipulated that he wasn't there.

16 MR. RUBIN: If they want to do that, I
17 will accept that.

18 THE COURT: They are willing to stipu-
19 late and going to stipulate that he was not; is that
20 correct?

21 MR. McGRANE: Yes.

22 MR. RUBIN: But that stipulation does
23 not explain the 1966 memorandum which was invented, as
24 far as we are concerned, and led to this whole article.

25 THE COURT: That is why I was trying

1 to look through these affidavits. Do you have some-
2 thing in their records indicating no memorandum
3 exists? -- -

4 I think any of these affidavits that
5 might bear--whether or not he had travel vouchers or
6 not, are not only irrelevant by virtue of the stipula-
7 tion, but there is one in here that the records do
8 not indicate any such thing.

9 MR. RUBIN: Your Honor, the affidavit
10 of William Kotapish, second paragraph.

11 THE COURT: I believe under the Rules,
12 as far as authenticity, that might be, if you all want
13 to present more testimony.

14 All you are doing, I think that's all
15 they need to do, is show they have checked and they
16 have properly certified there is no such document, just
17 as you would put a certificate if there was a document.

18 MR. McGRANE: Judge, if I may, Mr.
19 Kotapish has testified that he is the Director of the
20 Office of Security of the CIA, and he has checked that
21 office, and in that office there is no evidence of this
22 particular memorandum.

23 And it still begs the question of the
24 fact, do they have destructive policies, is that the
25 appropriate office, what level it is. And there is

1 no way I can cross examine Mr. Kotapish. I did not
2 know that this was going to come in.

3 THE COURT: I will give you an oppor-
4 tunity. But it would appear to me, and I am just
5 talking about what is admissible under the Rules of
6 Evidence, as far as compliance with Rule--

7 MR. RUBIN: Your Honor, we also have
8 another affidavit that says the same thing. I over-
9 looked that. It is the affidavit of Thomas Kormack,
10 in front of you.

11 THE COURT: I am going to allow you to
12 introduce it or publish it at this time. My inclina-
13 tion is, I am going to allow these in.

14 MR. McGRANE: Is this under Rule 1005?

15 MR. RUBIN: I will get the Rule from the
16 general counsel of the CIA.

17 THE COURT: What I am talking about is
18 an affidavit that is addressed to a governmental agency,
19 asking that they check their records and make a search,
20 and certify that no documents existed; and as I under-
21 stand, that is what these Rules were intended to do,
22 is not to have to fly people all over the country out
23 of Washington, to prove there is no document.

24 MR. LEE: Your Honor, we made a continu-
25 ing objection to the relevancy of all these documents.

1 For example, what if we proved the memorandum were
2 not in the CIA today? It would have nothing to do with
3 what happened in 1978. That would be a matter you
4 could argue to the jury, but not as far as admissibility

5 MR. McGRANE: Judge, could I ask you--

6 THE COURT: I don't want Mr. McGrane's
7 law on evidence.

8 MR. McGRANE: Judge, if it is Rule 1005--

9 THE COURT: I think that, and the pro-
10 visions of 902 are applicable when you limit it solely
11 not to whether or not there were vouchers, because as
12 far as I am concerned, the stipulation has taken care
13 of that, and I am going to announce the stipulation to
14 the jury.

15 But as far as I understand the Rules of
16 Evidence, it would seem to me my understanding is it
17 would be admissible to show there are no records.

18 MR. McGRANE: The point I was trying
19 to make, and I tried to make it yesterday, we are not
20 trying--at least I don't think we are trying a lawsuit
21 where we directly ever accused him.

22 THE COURT: That is a beautiful inter-
23 pretation. If I were on your side, that's what I would
24 say. But a jury might not agree. I understand that
25 is your point, but I don't know that the law would

1 permit you to say that we think something in the CIA
2 shows he is an assassin and all this. We will let a
3 jury determine that.

4 I understand your position, and maybe
5 the United States Supreme Court and the Eleventh
6 Circuit will agree with you, if we get that far.

7 But at this posture, that has nothing
8 to do with the admissibility of these documents.

9 MR. RUBIN: Your Honor, what about the
10 admissibility of the one page of the House Committee
11 Report that they could find no memorandum, either?

12 THE COURT: When was this, in relation
13 to the publishing of the article?

14 MR. RUBIN: It came after the article
15 was published, because the article predicted that's
16 what they were going to do.

17 THE COURT: That is not relevant. Of
18 course, protect your record, and we will mark it for
19 identification.

20 MR. RUBIN: I will argue when we get
21 to it.

22 MR. LEE: There is a matter we want
23 to bring up this morning. I assume if your Honor read
24 the paper, he saw the item about the trial. If not,
25 I will explain the problem, which relates with respect

1 to Liberty Lobby's claims to be a patriotic organiza-
2 tion, but they could have different purposes than that.

3 MR. RUBIN: I didn't go into that.

4 MR. LEE: There is nothing wrong with
5 that, you are correct. But the reason we are bringing
6 this up with the anticipation that you might bring it
7 up, because the newspaper said something based on the
8 Anti-Defamation League.

9 THE COURT: I don't intend this case to
10 get out of the ball park, and I don't think Mr. Rubin
11 intends to, either; and if he does, I will make sure
12 he stays in the ball park.

13 MR. RUBIN: If there is a motion in
14 limine to restrict--

15 THE COURT: I am not restricting any-
16 thing. I want to rule as it comes in. They could
17 make it relevant.

18 MR. RUBIN: Your Honor, the \$64,000
19 question of whether we could take the deposition of
20 the CIA agent--

21 THE COURT: I will hope it will go away.

22 MR. RUBIN: One more matter--

23 THE COURT: No, let's take some more
24 testimony, and then we will take up more matters.

25 One thing I want to try to get into

21 my mind as I started formulating some thoughts, and
1 then you all give me some law and I could study that.
2 I want to be sure what you are talking about, as far
3 as relevancy.
4

5 Are you maintaining that they have
6 claimed that they checked prior to this article being
7 published with some CIA, and they refused to give that,
8 or are you saying after all of this was done, after
9 your letters, then they checked?

10 MR. RUBIN: Both. And I will read from
11 the deposition. It only is one line.

12 THE COURT: All I want to know is simply
13 this: What would be the relevancy of anything after-
14 wards?

15 MR. RUBIN: I believe that there are
16 some cases, and I don't have them on the tip of my
17 tongue, but I have them in the briefcase--there are
18 some cases that the jury is entitled to know after the
19 request for a retraction was made, whether not the
20 publisher did anything to comply, or whether he ignored
21 it, and what he did to check out the story.

22 If it was an opinion story which pre-
23 dicted things to come which never came true, what did
24 he do about it? This is right on point, your Honor.

25 Here was a story stating that the House

1 Committee is going to do this and that, based on the
2 CIA doing this and that. It turned out none of those
3 things happened. -

4 When we brought that to the attention
5 of the publisher, the publisher did not do anything.
6 This could be an exhibition of malice or reckless
7 disregard for the truth, and the jury is entitled to
8 take in all the circumstances.

9 THE COURT: I heard it said by people
10 far more intelligent than myself, that one of the most
11 complex areas of the law is the law, and I just want
12 to know if anything they did or didn't do after that--
13 what would be the relevancy?

14 MR. RUBIN: This is kind of an ongoing
15 article, because it says, for instance, it was pub-
16 lished in August, and the last paragraph says that
17 these hearings ought to be over in October, and in
18 October you are going to see this, and this, and this,
19 and it didn't happen.

20 THE COURT: Just briefly, Mr. McGrane.

21 MR. McGRANE: Briefly, because you said
22 you need a couple of facts to think about, we never
23 had acknowledgement of any of the confidential sources
24 prior to the publication. We relied on Mr. Marchetti,
25 who was not deposed nor attempted to be deposed. It

1 was not until after Mr. Rubin's letter until he asked
2 Mr. Marchetti's sources. What we have is what Mr.
3 Marchetti told us, and we have never talked to these
4 people.

5 The only thing we have is hearsay from
6 Mr. Marchetti. He is the only individual that can say
7 under oath who these sources are, and it has been made
8 with good faith representations to the Court.

9 THE COURT: But there are some you main-
10 tain were before?

11 MR. McGRANE: Our source before was
12 Mr. Marchetti.

13 MR. RUBIN: No, it was not. This is
14 the deposition of Mr. Carto, the publisher.

15 "Q. Did you ask Mr. Marchetti
16 when he submitted this manuscript,
17 'What do you base that statement on,
18 that E. Howard Hunt will be implicated
19 in the conspiracy?'

20 "A. Yes.

21 "Q. What did he tell you?

22 "A. His private confidential
23 sources in the CIA.

24 "Q. And did he tell you who those
25 sources were?

1 "A. I'm not sure that he did
2 at that time. He did later.

3 -- "Q. And who are those sources?

4 "A. I take a journalistic
5 privilege on that question.

6 "Q. You refuse to answer that
7 question?

8 "A. Yes."

9 Then he goes on--

10 THE COURT: I don't want to get too
11 deeply involved, but I would not interpret that as
12 meaning that they had any sources prior to the publica-
13 tion.

14 MR. RUBIN: Later in the deposition--

15 MR. LEE: I was present at the deposi-
16 tion. My recollection is that the Liberty Lobby people,
17 if they knew anything, knew by description only, let's
18 say, a position of a high importance for the CIA, and
19 they did not know the names or would have been able to
20 contact these people.

21 THE COURT: That will have to be
22 developed, because you are getting into a complex area,
23 and I will have to have all the deposition.

24 MR. RUBIN: I intend to read Mr. Carto's
25 deposition, and it will come up at that time..

1 THE COURT: All right. Bring in the
2 jury.

3 -- [Jury entered the courtroom.]

4 THE COURT: Good morning, ladies and
5 gentlemen.

6 Counsel for the plaintiff, please call
7 your next witness.

8 MR. RUBIN: Mr. Hunt will retake the
9 stand.

10 THE COURT: Mr. Hunt, you are still
11 under oath. Just have a seat, please.

12 I think, ladies and gentlemen, I should
13 explain one thing, because it is going to affect the
14 nature of some evidence that has been admitted and
15 will not now be admitted.

16 But for the purpose of this trial, the
17 defendants have acknowledged and conceded that the
18 plaintiff in this cause was not in Dallas, Texas, on
19 the date of the assassination of President Kennedy,
20 which was November 22, 1963.

21 MR. McGRANE: So stipulated, your Honor.

22 THE COURT: Thank you, counsel.
23
24
25

1 Hunt - direct

2 Thereupon--

3 -- E. HOWARD HUNT, JR.,

4 the plaintiff herein, the witness on the stand at the
5 time of adjournment, having been previously duly sworn,
6 was examined and testified further as follows:

7 DIRECT EXAMINATION [Continued]

8 BY MR. RUBIN:

9 Q. Yesterday, when we finished, you described to the jury, I believe, how you authorized me
10 to file a lawsuit after you sent the publisher a demand
11 for a retraction and an apology, and it was not
12 received, and you authorized this lawsuit to be filed;
13 is that correct?
14

15 A. That's correct.

16 Q. After filing suit, or just before filing
17 suit, can you describe what affect, if any, this article
18 had on your home life?

19 A. Well, I had been married at that time
20 about six or seven months, and as most fairly recently
21 married couples, there was the normal period of getting
22 accustomed to one another, finding out about one
23 another's background more deeply than was possible in
24 the prenuptial period.

25 So that at the time of the appearance

Hunt - direct

1 of the Spotlight article in August of 1978, this came
2 like a bombshell to my wife, who came originally from
3 a small town in Georgia, and who had not been exposed
4 to, let's say, the metropolitan media.
5

6 She saw the article, and realized it
7 had a pronounced effect on me. In turn, she, herself,
8 became very distraught, very upset, very concerned
9 about the implications of the article, which to her
10 were very clear, as I think they are to any reasonable
11 citizen to read a thing like that for the first time.

12 It caused her to do a little soul-
13 searching and wonder if, in fact, I--

14 MR. McGRANE: Your Honor, we are talking
15 about Mrs. Hunt's reaction, and she would be the best
16 one to testify on that. It is going far afield.

17 THE COURT: Objection overruled on the
18 grounds stated.

19 BY MR. RUBIN:

20 Q Did you have any discussion, or did
21 you have to explain anything in the article?

22 A For one thing, she had been aware that
23 I was involved in litigation against a prior publisher,
24 to-wit, the authors of the Coup d'etat In America; and
25 I explained that I was not in Dallas, I was not one

Hunt - direct

1
2 of the photographed tramps; and she accepted that.

3 -- Then the Spotlight article came about
4 and as I say, it was a bombshell in the family. Her
5 feelings were, and I believe she would be able to des-
6 cribe this herself, if there was no truth to the alle-
7 gations, then why are they being repeated constantly?

8 MR. McGRANE: Objection.

9 THE COURT: Sustained.

10 BY MR. RUBIN:

11 Q Mr. Hunt, when you first read the
12 article, what came into your mind, concerning the
13 future and this Committee that was about to commence
14 hearings, according to the article?

15 A Well, I felt that the article, in the
16 long run, would provoke a very unpleasant situation,
17 which would be having to testify before the House
18 Select Committee on Assassinations, and having been
19 exposed to the national press extensively, the tele-
20 vision cameras of the nation, during the Watergate
21 affair, this was not an experienced that I looked
22 forward to.

23 Q As a result of the article, did you
24 inquire of the Committee whether or not they did intend

25

Hunt - direct

1
2 to call you as a witness?

3 A. I did.

4 Q. How did you do that?

5 A. Through your office, sir.

6 Q. Once, or more than once?

7 A. Several times.

8 Q. What was their response?

9 A. I took it to be ambiguous, that they
10 might or might not call me, in their own good time.

11 MR. McGRANE: Objection; hearsay.

12 THE COURT: Sustained.

13 BY MR. RUBIN:

14 Q. Did you finally appear before the
15 Committee and testify?

16 A. I appeared in closed session before a
17 portion of the Committee. That was the best that I
18 could work out.

19 Q. You worked that out?

20 A. I had to, yes. I practically forced
21 my way on them, in order to try to bring this matter
22 to a head, once and for all, to try to clear my name.

23 Q. Did you insist that your testimony be
24 included in their final report?

25 A. I did, indeed.

Hunt - direct

1

2 Q Did you ask them to question Mr.
3 Marchetti? --

4 A I did. I

5 Q Do you know whether or not they ever
6 questioned Mr. Marchetti, the author of this article?

7 A If they did, there is no trace of it in
8 the final report of the Select Committee on Assassini-
9 nations.

10 Q Sir, your testimony before the Committee,
11 were you sworn to tell the truth?

12 A I was.

13 Q How long did you testify?

14 A It was about four hours. They ran in
15 teams on me.

16 Q Did they confine their questioning
17 to this article?

18 A No.

19 Q What other subjects did they go into?

20 A They took up a variety of material
21 involving Cuban assassination plots, my possible
22 connection with an attempt on Castro's life.

23 They also went into the matter of the
24 Dallas photographs that had been featured so prominently
25 in the book Coup d'etat.

Hunt - direct

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Q As a result of your testimony, and as a result of the hearings, did the Committee issue a final report in which you were mentioned?

5

A Yes.

6

Q Do you have a copy of that report?

7

A There is a copy available, yes.

8

MR. RUBIN: May I show this to the witness, your Honor?

9

10 BY MR. RUBIN:

11

Q I hand you a book, and ask you to describe it.

12

13 A The title is The Final Assassination
14 Report of the Select Committee on Assassinations,
15 United States House of Representatives.

16

Q Would you look on the inside and see what date that report was published?

17

18 A It bears a date of July 1979.

19

Q Is your name mentioned in that report anywhere?

20

21 A It is.

22

MR. RUBIN: Your Honor, might I have permission to offer this into evidence and to have the witness read the one paragraph into the record that refers to his name?

23

24

25

Hunt - direct

MR. McGRANE: I thought this was already
subject to a ruling by the Court.

THE COURT: I have, and the ruling
will remain, and the objection is sustained.

Mark it for identification.

[Plaintiff's Exhibit No. 5-A

was marked for identification.]

MR. RUBIN: Outside the hearing of the
jury, may I make a proffer?

THE COURT: No, we will just receive
the whole thing, or we can remove the back and mark it
for identification, and the record will be protected.

BY MR. RUBIN:

Q Mr. Hunt, as a result of that report,
were you satisfied with the report?

A I was.

Q As a result of that report, was any-
thing in the article that is the subject of this law-
suit true, concerning where you were on November 22,
1963, or that there was a secret CIA memorandum of
1966 wherein you would have to make up an alibi to
cover the fact that you had been in Dallas?

MR. LEE: Objection; leading the
witness.

Hunt - direct

BY MR. RUBIN:

Q Did you understand the question?

A Would you repeat it?

MR. RUBIN: Would you read back the question.

[The pending question was read by the reporter as above recorded.]

MR. LEE: I would object. He is asking to conclude something from something that is not in evidence. It is an improper question.

THE COURT: Objection overruled, on the grounds stated.

THE WITNESS: None of the predictions, if I can so term the libelous prediction that appeared in the Spotlight article, were confirmed by the final report of the House Committee on Assassinations.

BY MR. RUBIN:

Q What effect did this have on your attitude and health?

A Well, it improved my general outlook somewhat, but it is very difficult to follow up, to gain ground that is lost through a sensationalized charge that is made in the first place.

Q After you first learned of the article

1 Hunt - direct

2 back in August of 1978, did you meet any people who
3 referred to the article in their conversations with
4 you?

5 A. Yes, I did.

6 Q. Can you describe any of those occasions?

7 A. I met people in New York, in the
8 publishing arena, who had two occasions to get me--

9 MR. McGRANE: We are getting into hear--
10 say.

11 MR. RUBIN: He didn't say what they
12 said.

13 THE COURT: To the limited basis that
14 it was said, but not for the truth of what was said,
15 for that limited purpose, ladies and gentlemen of the
16 jury, what was said could not be considered for the
17 truth of the matter that was said; just that it was
18 said, for that purpose only.

19 Any other admonishments to the jury?

20 MR. McGRANE: No.

21 BY MR. RUBIN:

22 Q. Did the publication of this article
23 which was read by the New York publishers that you
24 were dealing with, have any effect that you could tell
25 us about, of your own knowledge, upon your work?

Hunt - direct

1
2 A. It had no beneficial affect upon my
3 business arrangements at all. It mentioned it only
4 on that one page--

5 Q. No, not the report of the Committee.
6 I am talking about that article of August 14th written
7 by Spotlight. Did this article have any affect on
8 the people that you were dealing with to publish your
9 book?

10 MR. McGRANE: We are now going to the
11 thought process of the people he was dealing with.
12 The question was, did it have any affect on them, and
13 I don't think he could testify to what affect it had
14 on other people.

15 BY MR. RUBIN:

16 Q. What affect, if any, did the publication
17 which is the subject of this lawsuit by Liberty Lobby,
18 have on the arrangement and people that you were deal-
19 ing with in connection with your book being published?

20 A. Not only books, but lectures--it deprived
21 me of substantial business income; and of course, to
22 this day, I cannot tell how many lucrative business
23 contracts were denied me because of this prevailing
24 attitude that Hunt might well have had something to do
25 with the Kennedy assassination.

Hunt - direct

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Q Can you give us an example of how you say you lost income?

4

5

6

7

A Yes, I can. My then literary agent was trying to negotiate the paperback sale of the book that I had written in hard cover, and he said after some exhaustive records--

8

9

MR. McGRANE: Excuse me. Objection; hearsay.

10

11

12

THE COURT: You may relate the result thereof, but don't tell us the specific conversation.
BY MR. RUBIN:

13

14

15

Q As a result of the conversation with your literary agent, was he able to sell your book that you had written?

16

17

18

19

20

A No.

Q Did he tell you why?

A Yes.

Q Did it have anything to do with this article?

21

22

23

24

A Yes.

Q When was that?

A It was the early spring, late winter of '79.

25

Q Now, you mentioned something about

Hunt - direct

1
2 lectures. Were you in the employ of any lecture agency
3 that booked lectures?

4 A I was.

5 Q Where were you speaking, that is, what
6 kind of audiences?

7 A I was speaking to primarily university
8 audiences.

9 Q On what subject?

10 A On a variety of subjects--CIA and
11 Espionage Apparatus was the title of one. Another was
12 Watergate Justice. I gave that to the Harvard Law
13 School.

14 I spoke just the straight story of
15 Watergate, which I gave to, among other audiences,
16 the Yale Political Union. I had three or four lectures
17 with universities.

18 Q That was before the article was pub-
19 lished that we are here for?

20 A Yes.

21 Q What happened after the article was
22 published, to your lectures?

23 A I was never booked again.

24 Q Did you have to be booked, or did you
25 sign up with that agency that booked you for the

Hunt - direct

1 speeches? Did you have to sign a contract on any kind
2 of a time basis?
3

4 A. Yes.

5 Q. When was your contract renewable after
6 this article was published?

7 A. It was renewable, I believe, two years
8 after it was signed, and the signing took place in
9 February of 1977. So it would have been renewable in
10 February of 1979.

11 Q. Which is less than six months after
12 this article was published; is that right?

13 A. Approximately, yes.

14 Q. Was your contract renewed by the agency?

15 A. I saw no point in renewing, and neither
16 did they. I had not been booked in many months.

17 Q. Did the lecture agency tell you, from
18 the reaction that they got when they suggested your
19 name to various groups, whether or not this article
20 had any affect on your being booked as a lecturer?

21 A. Not specifically.

22 Q. Were any of your lectures canceled be-
23 cause of this article? I am speaking specifically now.

24 A. Yes. I am trying to get the time frame.

25 To the best of my belief and recollection,

1 Hunt - direct

2 there was a lecture that had been booked for me from
3 the spring of 1978 for a college appearance in late
4 September, 1978, and that booking engagement--

5 Q Where was that?

6 A It was a Texas college. That is as
7 close as I can come.

8 Q Could it have been in Reno, Nevada?

9 A No, I had already lectured in Reno.

10 Q What happened as a result of that?

11 A For unknown reasons, the lecture engage-
12 ment was canceled.

13 Q Did that cost you any money?

14 A It cost me approximately \$2500.

15 Q By the way, how much were you being
16 paid for these lectures?

17 A Depending upon the size of the audience,
18 anywhere from a thousand dollars to \$2,500; \$750 for
19 a luncheon or breakfast engagement.

20 Q And you say after this article came
21 out, they stopped?

22 A Yes.

23 Q After the article came out here in
24 Miami, was there any difference in your social life?

25 A I can say that the harmonics were

Hunt - direct

1 different around me. I belonged to the Palm Bay Club
2 at that time. My wife and I both had the feeling we
3 were being treated a little differently by people who
4 did not know us well, that is, people who might have
5 become our social friends.
6

7 It made no difference among my colleagues
8 or form colleagues in the intelligence community.

9 Q By the time this article was published,
10 how old were your children, and where were they?

11 A We are talking about three years ago.
12 I had a daughter who is married. She was at the time
13 married, and living with her two children in Louisville,
14 Kentucky.

15 Her younger sister was twenty-five,
16 finishing her last year of law school in California.

17 I had a twenty-four year old son living
18 in the San Francisco area, working as a musician.

19 My then youngest son, David, was
20 fourteen or fifteen, living at our home in Miami with
21 us.

22 Q After this article was published, was
23 there any discussion between you and any of your child-
24 ren concerning this article, that they brought up to
25 you?

Hunt - direct

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A Well, I have sent copies to my children. I thought it was always better for them to hear about a distressing matter like this from me.

I know my musician son became aware of it. He had seen it out there before the copy arrived.

My daughter at law school felt she was glad to be first to receive the article, lest she be put in an embarrassing position by classmates and friends.

Q Did she report she had been placed in an embarrassing position?

A She did not.

Q How about the son in San Francisco?

A The son became very upset about it.

Q How about the other children?

A My married daughter in Louisville, she had not, up to that time, seen the Spotlight article. But it had been mentioned to her by people in the Louisville area.

As I attempted to say, she had been institutionalized, and from the hospital her psyche was very sensitive. She became very distraught and again I had to reassure my children that I had nothing to do with the Kennedy assassination, and I was being

Hunt - direct

1

2 persecuted for reasons unknown to me.

3

4 Q -- Was this embarrassing and humiliating
5 to you concerning your relationship with your children
6 and your wife and friends?

7

8 A. Extremely so, because when there is
9 any item of dubidity, dubious or doubt within a family
10 about the acts of one of the members of the family,
11 this becomes a focus for a great deal of inter-family
12 friction, and it tends to exacerbate difficulties that
13 may already be latent within the family.

14

15 In my case, this happened.

16

17 Q. Now, you have been convicted of the
18 Watergate episode in 1974?

19

20 A. 1974 I pled guilty.

21

22 Q. And you served your time, thirty-three
23 months.

24

25 Did you apply for a restoration of your
civil rights after you served your time and paid your
fine?

26

27 A. I did.

28

29 Q. Did this article have any effect on that
30 application, that you know of personally--and what is
31 a restoration of civil rights?

32

33 A. Let me answer the second question first.

34

1 I now am able to vote, to stand, I
2 suppose, for public office, if I so choose to.

3 I can now carry arms, as any other
4 citizen; rights that were denied me as a result of
5 my plea to a felony charge.

6 Q Can you serve on a jury now?

7 A I am not sure.

8 Q You had to make application?

9 A I had to make application to the State
10 of Florida, which I did, as I recall, in 1979, that
11 being the earliest following my release from prison that
12 I could do so.

13 In the interim, the Spotlight article
14 had appeared, and I was very much concerned about its
15 possible affect on the people in Tallahassee who make
16 those decisions, regarding the restoration of civil
17 rights, which is actually by the Governor.

18 I knew that the investigators for the
19 HRC would be examining my federal files which were kept
20 for a time, at least, in the Office of the probation
21 officer here in the Federal Courthouse in Miami.

22 I knew that FBI records would be
23 examined by the investigators, and so I was very appre-
24 hensive for a long period of time. And there seemed to
25 be infinite delays in the entire matter, and I became

Hunt - direct

1
2 very concerned that there was a correlation with the
3 difficulties I was encountering, with getting restora-
4 tion of my civil rights, and the new doubts that may
5 have been raised as a result of the article.

6 In any event, finally, in December of
7 1980, I was given back my civil rights by the Governor.

8 Q I think I overlooked this. When you
9 first became aware of the publication of this article,
10 and before you authorized me to send a letter to the
11 publisher asking for a retraction and correction, had
12 you been contacted by anyone connected with Liberty
13 Lobby, or Mr. Marchetti, or the Spotlight Newspaper,
14 concerning the contents of the article?

15 A No. 15

16 Q Has anyone ever accused you in print of
17 murdering your first wife, Dorothy? ..

18 A Not that I know of. ..

19 Q If they had, you would be aware of it?

20 A I would think so.

21 Q Mr. Hunt, I now want to go through this
22 article with you, and I want you to tell me what is
23 true and what is false.

24 For this purpose, may I again re-
25 distribute to the jury the article?

Hunt - direct

1

THE COURT: Yes, you may.

2

BY MR. RUBIN:

3

Q I am going to give you the newspaper,
4 itself, so you can go through this.
5

6

Taking the front page of the newspaper
7 and the headlines, "CIA to Nail Hunt for Kennedy
8 Killing," when you first read that, what did that mean
9 to you, the subject of this?

10

A It meant that I was going to be hung for
11 the killing of John F. Kennedy.

12

Q Can you tell the jury what your feeling
13 was emotionally, when you first saw these words for the
14 first time?

15

A I felt as though I had been kicked in
16 the pit of my stomach.

17

Q Turn to page 4. Getting to the inside,
18 the headline reads: "CIA to Admit Hunt Involvement
19 in Kennedy Slaying."

20

Was it a further explanation of the
21 first headline?

22

A Well, it was an expansion, yes. I
23 didn't understand what the "admit" meant or was
24 intended to convey. But it said to me, and I had to
25 look at these things in terms of what another reader

1 Hunt - direct

2 might infer it, that I was going to be charged federally
3 for the killing of John F. Kennedy.

4 Q Did you anticipate something like that
5 after you read the whole article, that you might be
6 charged with murder?

7 A It seemed entirely possible, in view
8 of the House Select Committee Hearings, which were
9 already in progress. It seemed a desperate possibility
10 which was one of the reasons I was so frantic to appear
11 before the House Committee.

12 Q Let's go back to the front headlines,
13 "CIA to Nail Hunt for Kennedy Killing."

14 Did that happen?

15 A No.

16 Q Have you ever been accused by any
17 official agency of the government, State or Federal,
18 with murder or conspiracy to murder anyone?

19 A No.

20 Q Were you ever accused by the CIA any-
21 where, of involvement in a conspiracy to assassinate
22 the President of the United States?

23 A No.

24 Q Were you ever accused by the FBI of
25 being involved in a conspiracy to assassinate the

Hunt - direct

1

President of the United States?

2

3

A. No.

4

Q. Were you ever accused by the House

5

Select Committee on Assassinations of being involved in
a conspiracy to assassinate the President of the United
States?

7

8

A. No.

9

Q. Let's get to the first paragraph.

Would you read that to us?

10

11

A. Under the byline of Victor Marchetti:

12

"A few months ago in March,

13

there was a meeting at CIA Headquarters

14

in Langley, Virginia, the plush home of

15

America's Super Spooks, overlooking the

16

Potomac River. It was attended by

17

several high level clandestine officers

18

and some former top officials of the

19

agency."

20

Q. Stop right there. When you read that

21

paragraph, what did it convey to you concerning your

22

experience with the CIA?

23

A. Well, it seems plausible that there

24

was a meeting, yes. It is a direct statement. It is

25

not ambiguous.

1 Hunt - direct

2 Q Did you wonder how Victor Marchetti
3 learned of this secret meeting?

4 A I did, indeed, since he is considered
5 a renegade of the CIA.

6 Q Were you able to verify it through your
7 contacts with the CIA--by the way, did you have an
8 honorable discharge with the CIA?

9 A I was honorably retired at my own re-
10 quest.

11 Q Were you able to verify whether or not
12 there was such a secret meeting in March of 1978 at
13 CIA headquarters in Langley, Virginia?

14 A On the contrary, because I knew that
15 former Director Helms and former Counter-Espionage
16 Chief James Angleton had denied such a meeting took
17 place.

18 Q Then you were not able to verify that
19 such a meeting took place?

20 A No, it did not take place, according
21 to the sworn testimony which I am familiar with.

22 Q And the second paragraph deals with the
23 topic of discussion at this meeting, which the jury
24 has in front of them and they could read.

25 What was your impression of this

Hunt - direct

1
2 paragraph? What did this paragraph mean to you?

3 A. Do you want me to read it?

4 Q. No. Having read it, and the jury having
5 read it--

6 A. You are referring to paragraph two?

7 Q. Yes, the topic of discussion. Did you
8 attempt to verify that?

9 A. No, I did not.

10 Q. Paragraph three, which starts out: "A
11 limited hangout"--is this essentially the accepted
12 version of that term?

13 A. That is a term that is not used in
14 clandestine terminology at all. On the contrary, I
15 think it is something that came as a reply of the
16 Watergate tapes, and to the best of my recollection,
17 John Erlichman is associated with that phrase, and he
18 is not associated with the espionage community.

19 Q. Paragraph four starts out: "We will
20 probably never find out who master-minded the
21 assassination of JFK, or why." Is that statement true
22 or false?

23 A. I regard it as false.

24 Q. We do know who master-minded the
25 assassination; do we not?

Hunt - direct

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A. Yes.

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Q. The next sentence says, "There are too many powerful special interests connected with the conspiracy for the truth to come out even now, fifteen years after the murder."

Do you know what special interests concerned with the conspiracy Mr. Marchetti, the Spotlight or Liberty Lobby is talking about?

A. I have no idea what it could possibly be referring to.

Q. Now, paragraph five, which begins: "But during the next two months, according to sensitive sources in the CIA and the HSCA, we are going to learn much more about the crime."

Do you know who the sensitive sources are that are referred to here?

A. No, and I can't believe that those sensitive sources exist.

Q. Did you try to find out who those sources were during the course of this lawsuit?

A. Yes.

Q. Were you able to find out?

A. No.

Q. The next sentence says: "The new

Hunt - direct

1 disclosures will be sensational, but only superficially
2 so. A few of the lesser villians involved in the
3 conspiracy and its subsequent cover-up will be iden-
4 tified for the first time and allowed to twist slowly
5 in the wind on live network TV."
6

7 Reading that sentence in connection with
8 your name in the headlines and the rest of the article,
9 did you assume that this sentence referred to you, sir?

10 A. I did, particularly because of the
11 use of the Watergate phraseology of "twisting slowly
12 in the wind."

13 Q. And you were described here as a villian
14 involved in the conspiracy; were you not?

15 A. Yes.

16 Q. You were involved in the conspiracy or
17 you were not?

18 A. I was not involved in the conspiracy,
19 if indeed there was one.

20 Q. Getting into paragraph six of the article,
21 which begins:

22 "But once again the good folks
23 of middle America will be hoodwinked
24 by the government and its allies in
25 the establishment news media."

Hunt - direct

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Do you know of any way that middle America was hoodwinked by the government in the hearings on the Kennedy assassination and the Martin Luther King assassination?

A. No.

Q. Do you know who the allies of the government are in the establishment news media?

A. No.

Q. What is the establishment news media, do you know, being a journalist?

A. As a former resident of the Eastern Seaboard, I assume they are referring to the New York Times, Philadelphia Inquirer, Washington Post.

Q. You are assuming that, but it doesn't say that?

A. I am assuming that. You asked me as a former journalist what my impression was. That's it.

Q. The next sentence reads:

"In fact, we are being set up to witness yet another cover-up, albeit a sophisticated one, designed by the CIA with the assistance of the FBI and the blessing of the Carter Administration."

What did this mean to you?

1 Hunt - direct

2 A Well, it made no sense at all to me, and
3 had my name not been featured in the headlines and
4 scattered throughout the previous text, it would not
5 have distressed me at all.

6 But implications certainly, because of
7 my status as a retired CIA official, the allegations
8 here are predictions that there is going to be another
9 cover-up, and I don't know what prior cover-up they
10 are talking about being designed by the CIA.

11 This to me had a clear implication that
12 I was going to be involved in "another cover-up."

13 Q Do you know of any cover-up that was
14 ever designed by the CIA while you were with that
15 agency, or after?

16 A No.

17 Q Especially with the assistance of the
18 FBI?

19 A No. They normally have a semi-adversary
20 relationship.

21 Q You mean they do not work together?

22 A There are institutionalized rivalries.

23 Q Do you know of any cover-up that was
24 designed by the CIA and the FBI?

25 A No, sir.

Hunt - direct

1

2

3

Q And with the blessings of the President
of the United States?

4

A No, sir.

5

Q Did you consider this to be false?

6

A Yes.

7

8

9

10

Q The next paragraph goes into an
example of a "limited hangout" that the Church Committee
investigation of two years ago was manipulated. Do
you know anything about that?

11

A No, sir.

12

13

14

Q Did anybody ever come out with any
documents, any proof, or any allegations that the
Church Committee investigation was manipulated?

15

16

17

A On the contrary, the then Senator Church
had full range to do as he chose with the security
agencies.

18

19

Q So as you read this article, would you
consider this an attack on the CIA, as well as yourself?

20

A Yes.

21

22

Q You say that Mr. Marchetti had a reputa-
tion in the intelligence community of being a renegade?

23

A Yes.

24

Q What do you mean by that?

25

A I meant that he published a book with

Hunt - direct

1
2 a State Department corroborator, State of Intelligence,
3 that gave a great many secrets, and it became involved
4 in extensive litigation and sort of a first-time
5 publishing coup--the publisher released the book with
6 many portions that were whited--the deleted portions--
7 and the publisher and Marchetti published the book, in
8 any case.

9 Q What happened to Marchetti?

10 A As a result of an injunction, I believe,
11 he was finally forbidden to write anything about the
12 CIA without prior consent of the agency.

13 Q That is to reveal anything that he
14 learned while in the CIA?

15 A I don't know if it was as limiting as
16 that.

17 Q After you initiated this lawsuit and
18 as part of the discovery process, were you given a
19 copy of another article that Victor Marchetti wrote
20 for the Spotlight before he wrote this one that we
21 are reading?

22 A Yes, sir.

23 Q Have you read that?

24 A I have.

25 Q I will hand you this and ask you what

Hunt - direct

1 it is?

2
3 A Page four of the Spotlight issue of
4 May 8, 1978.

5 Q What is the title of that article, and
6 who is it written by?

7 MR. McGRANE: I am going to object to
8 the relevancy.

9 THE COURT: Reserve ruling for the
10 minute; but tie it in.

11 MR. RUBIN: I will tie it in first.

12 BY MR. RUBIN:

13 Q Without reading the article to the
14 jury and the title, after reading this article in
15 conjunction with the article we are now reading, which
16 was written a few months after this one that you had
17 in your mind, is there any theme running between the
18 two articles, that are identical?

19 A Yes, a great deal of hostility towards
20 the CIA.

21 Q Would you say, as a journalist and as
22 an English writer, there is exhibited in the two
23 articles a similar bias and prejudice against the CIA?

24 A Yes.

25 MR. McGRANE: I am objecting. It is

Hunt - direct

1 not relevant to this cause. The CIA is not a party.
2 Mr. Marchetti is not a party, and I don't see any
3 relevancy between the accusations Mr. Hunt is making.
4 against the CIA.
5

6 THE COURT: I am going to overrule it,
7 but I think you have gone far enough.

8 MR. RUBIN: May I offer the article into
9 evidence?

10 THE COURT: No. I will sustain that
11 objection. But I will let the testimony taken remain.
12 BY MR. RUBIN:

13 Q Let's now get to paragraph eight, which
14 has a subject headline over it..Would you read that
15 subject headline?

16 A "They'll Hang Hunt."

17 Q What did you feel and what did you think
18 when you first read that and as you read it today?

19 A My first reaction, when I saw this
20 subject headline, was one, frankly, of fear. Today I
21 realize, of course, none of these took place, as
22 predicted by the article. But the subject headline
23 alone, this is a frightening thing to read when your
24 name is there.

25 "They'll Hang Hunt"--what does that

Hunt - direct

1 mean--and for murder.

2
3 Q Now, read the paragraph under that.

4 A "Chief among those to be exposed

5 by the new investigation will be E.

6 Howard Hunt, of Watergate fame."

7 Q Stopping right there, there was no ques-
8 tion about that. It is a statement of fact; is it
9 not, in your opinion?

10 A It is a simple declarative statement.
11 It says I am going to be exposed, and of course the
12 word "exposed" relates back to the headlines, "CIA to
13 Nail Hunt for Kennedy Killing."

14 Q What is the next sentence?

15 A "His luck has run out, and the
16 CIA has decided to sacrifice him
17 to protect its Clandestine Services."

18 Q Do you know what they refer to?

19 A I had no idea what they meant, what
20 connection there could be between sacrificing me and
21 protecting the work of the CIA. There was no correla-
22 tion.

23 Q What about your luck; had it run out?

24 A I didn't think so. I felt I was lucky
25 to be alive.

Hunt - direct

1

Q Read the next sentence.

2

3

A "The agency is furious with Hunt

4

for having dragged it publicly into the

5

Nixon mess and for having blackmailed it

6

after he was arrested."

7

Q Do you have any knowledge, any documents

8

or any hearings to indicate that the CIA was ever

9

angry with you for anything?

10

A No, sir.

11

Q Is this a false or true statement?

12

A That is a false statement.

13

Q It says that they are angry at you for

14

the Nixon mess and for having blackmailed it after he
was arrested.

15

A No, sir, I never heard that charge

16

before.

17

Q Is that true or false?

18

A It is false; and of course, I was never

19

arrested. That's at the tail end of the paragraph.

20

Q You mean you surrendered voluntarily

21

after somebody said that the FBI was looking for you

22

in connection with Watergate?

23

A That's correct.

24

Q Let's look at the next paragraph. It

25

Hunt - direct

1
2 says:

3 "Besides, Hunt is vulnerable, an
4 easy target, as they say in the spy
5 business. His reputation and integrity
6 have been destroyed."

7 Is that a plain, out-and-out statement
8 of fact?

9 A. It is, but it is also a falsity.

10 Q. Is that statement attributed to the CIA,
11 or is it by the author or publisher of this publication?

12 A. By the article itself.

13 Q. Do you know what is meant by "His
14 reputation and integrity have been destroyed"?

15 A. No.

16 Q. What did it mean to you when you read
17 it?

18 A. It meant to me that the author and
19 publisher of the article wanted to destroy my integrity
20 and reputation.

21 Q. That statement was damaging to you?

22 A. It was no more damaging than the others
23 of the false statements in the article.

24 Q. It goes on to say:

25 "The death of his wife, Dorothy,

Hunt - direct

1

in a mysterious plane crash in
2
Chicago still disturbs many people,
3
especially since there were rumors
4
from informed sources that she was
5
about to leave him and perhaps even
6
turn on him."

7

8

Do you know who those people who were
still disturbed, according to this article, were?

9

10 A No, sir.

11

Q Was anybody disturbed more than you
because of the death of Dorothy?

12

13

14

15

16

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The FBI and the County Sheriff's
Department combined to investigate other aspects of
the crash, and there was never any credible allegations
of criminality involved.

26

27

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34

35

Q What about where it says rumors from
informed sources that Dorothy was about to leave you
and turn on you?

Do you know who those informed sources

Hunt - direct

1
2 were?

3 A I have to assume they were fabricated.
4 My wife and I had a very loving relationship up to
5 her death.

6 Q She did not intend to leave you?

7 A Not to my knowledge. On the contrary,
8 she was very supportive of me until the Watergate
9 period until she was killed.

10 Q When your present wife read this
11 paragraph, was there any conversation between you
12 and her?

13 A Yes, she wanted to know what the
14 relationship had been between us at the time of
15 Dorothy's death and I was forced with my back against
16 the wall to say just what I told you, sir, that we
17 had a very warm and loving relationship, that we were
18 a well integrated family.

19 Q Is there any basis in fact or fiction
20 of this allegation in this article?

21 A No.

22 Q Now, let's go on to the next paragraph.

23 "In addition, it is well known that
24 Hunt hated J.F.K. and blamed him for the
25 Bay of Pigs disaster."

1 Hunt - direct

2 I think we have gone into that at
3 length, that-you did not hate J.F.,.

4 A That's correct.

5 Q Did you blame him for the Bay of Pigs
6 disaster?

7 A Among others.

8 Q Did you blame him?

9 A This is all a matter of public record
10 in my book called Give Us This Day, all regarding the
11 Bay of Pigs.

12 Kennedy's then advisers, including Adlai
13 Stevenson, prevailed upon him to withhold the air sup-
14 port. To the extent that he acquiesced to this request,
15 I blamed him.

16 Q So far that seems to be the only truth
17 in the whole article.

18 A Yes. It is only one-half of one sen-
19 tence.

20 Q Then it goes on:

21 "And now, in recent months, his
22 alibi for the whereabouts on the day
23 of the shooting has come unstuck."

24 Is that true or false?

25 A Totally false.

1 Hunt - direct

2 Q You testified you were in Washington on
3 the day of the sheeting of John F. Kennedy.

4 A Yes.

5 Q And we heard the testimony of somebody
6 who saw you in Washington that day.

7 A Yes.

8 Q And there has been a stipulation on the
9 record that you were not in Dallas.

10 A Yes.

11 And so I wondered why it was printed to
12 the contrary in the article.

13 Q The next paragraph, would you read that?

14 A [Reading]

15 "In the public hearings, the CIA
16 will admit that Hunt was involved in the
17 conspiracy to kill Kennedy."

18 Q What happened to you emotionally when
19 you read that sentence?

20 A It was another sickening blow to me.
21 The thought being it was probably conceivable to me, as
22 I read the article, that someone within the CIA for
23 reasons of his own might take the stand in the House
24 Committee and say that Hunt was in some way connected
25 with an assassination plat.

1 Hunt - direct

2 Q Would you consider that to be a state-
3 ment of something that is absolutely going to happen?

4 A Yes.

5 Q That is "will admit"?

6 A Yes. The subjective is not used

7 Q Before you read that, had you heard any-
8 thing like that in all of your life?

9 A No, sir.

10 Q Read on.

11 A [Reading]

12 "The CIA may go so far as to admit
13 that there were three gunmen shooting
14 at Kennedy."

15 Q Do you know anything about that?

16 A No, sir.

17 Q Did the CIA ever admit that there were
18 three gunmen shooting at Kennedy?

19 A No, sir.

20 Q Has anyone ever admitted or made that
21 allegation connected with the Government that there were
22 three gunmen shooting at Kennedy?

23 A Not to my knowledge.

24 Q Do you know where this newspaper got that
25 statement from?

1 Hunt - direct

2 A If you are asking for my opinion, sir,
3 my opinion is that came from the writing of Allan J.
4 Weberman, either from his scurrilous piece in the
5 Yippie Times or his book Coup d'etat for which I have
6 current litigation.

7 Q But it doesn't say that, does it?

8 A No.

9 Q Read on, please.

10 A [Reading]

11 "The FBI, while publicly embracing
12 the Warren Commission's one-man-acting
13 conclusion, has always privately known
14 that there were three gunmen."

15 Q Was that true or false, to your knowl-
16 edge?

17 A I have no knowledge of that, sir.

18 Q You heard the testimony of Mr. Dunn read
19 yesterday.

20 A Yes.

21 Q Read on, please.

22 A [Reading]

23 "The conspiracy involved many more
24 people than ones who actually fired at
25 Kennedy, both agencies may now admit."

1 Hunt - direct

2 In that sentence, the word "admit us not
3 in quotes. -- --

4 Q Did any agency ever admit that there was
5 a conspiracy which involved more than one who actually
6 fired at Kennedy?

7 A Than the one individual, no, sir.

8 Q It said "ones." They are talking about
9 three.

10 Would you consider this paragraph to be
11 completely false and untrue and in fact a fabrication
12 by somebody?

13 A Yes.

14 Q Getting to the subheading, what does
15 that say?

16 A "Posing as bum."

17 Q When you first read that, what did that
18 do to you or what did you think?

19 A I realized the caption said in effect
20 that Hunt had been posing as one of the three infinite
21 bums in Dallas on the day of Kennedy's assassination.

22 Q Read the paragraph.

23 A [Reading]

24 "A. J. Weberman and Michael

25 Canfield, authors of Coup d'etat In

1 Hunt - direct

2 America, published pictures of the three
3 apparent bums who were arrested at Dealy
4 Plaza just after President Kennedy's
5 murder, but who were strangely released
6 without any record of the arrest having
7 been made by the Dallas police. One of
8 the tramps the authors identified as
9 Hunt. Another was Frank Sturgis, a
10 long-time agent of Hunt's."

11 Q Did Weberman and Canfield in this book
12 Coup d'etat In America, identify you as one of the bums?

13 A No.

14 Q Did they identify Fran Sturgis as another
15 one of the bums in the book?

16 A No.

17 Q You have read the book?

18 A Yes.

19 Q It is the subject of a lawsuit that you
20 have pending in this District Court; is that correct?

21 A It is.

22 Q Let's get on to the next paragraph.

23 A [Reading]

24 "Hunt immediately sued for millions
25 of dollars in damages, claiming he could

1 Hunt - direct

2 prove that he had been in Washington,
3 D.C., that day on duty at CIA. It
4 turned out, however, that this was not
5 true."

6 Q Stopping there, did you sue for millions
7 of dollars in damages?

8 A I did.

9 Q Did you claim in the lawsuit that you
10 could prove that you had been in Washington that day?

11 A Yes.

12 Q --on duty at the CIA?

13 A Yes.

14 Q Then it says, "It turned out, however,
15 that this was not true."

16 A Is that a statement of fact?

17 A That is a false statement.

18 Q Read on, please

19 A [Reading]

20 "Weberman and Canfield investigated
21 the new alibi and found that the grocery
22 store where Hunt claimed to be shopping
23 never existed."

24 Q Is that true or false?

25 A False.

1 Hunt - direct

2 Q All right.

3 A [Reading]

4 "At this point, Hunt offered to
5 drop his suit for a token payment of
6 one dollar."

7 Q Is that true or false?

8 A False.

9 Q Go ahead.

10 A [Reading]

11 But the authoris were determined
12 to vindicate themselves, and they con-
13 tinued to attack Hunt's alibi, ultimately
14 completely shattering it."

15 Q How did the authors completely shatter
16 where you were on the day Kennedy was killed?

17 A They never did.

18 Q Is that a false statement?

19 A It is a false statement.

20 Q Mr. Hunt, how could the author or the
21 publisher of this article check the statements about the
22 lawsuit? Isn't it true that all they had to do was look
23 at the lawsuit?

24 A Yes, sir.

25 Q Now, "the CIA moved to finger Hunt and

1 Hunt - direct

2 tie him to the J.F.K. 'assassination."

3 -- Stopping right there, what did that mean
4 to you?

5 A It meant that I was going to be imperiled
6 by moves of the CIA to frame me for the killing of
7 Kennedy.

8 Q Was there any basis for that statement
9 in this article as it turned out?

10 A No.

11 Q Do you know of any information that any-
12 body had before the article was published that this was
13 going to happen?

14 A No.

15 Q Read on, please.

16 A- [Reading]

17 "The House Select Commission on
18 Assassinations unexpectedly received an
19 international CIA memorandum a few weeks
20 ago that the agency just happened to
21 stumble across in its old files. It
22 was dated 1966 and said in essence:
23 'Some day we will have to explain Hunt's
24 presence in Dallas on November 22, 1963,
25 the day President Kennedy was killed.'

1 Hunt - direct

2 Hunt is going to be hard put to explain
3 this memo, and other things, before the
4 TV cameras at the House Select Com-
5 mittee on Assassinations hearings."

6 Q First of all, were you ever before the
7 TV cameras at the Committee hearings?

8 A No.

9 Q Did you have to explain about this memo-
10 randum to the Committee in the private sessions you had
11 with them?

12 A I think there was some discussion. I
13 requested a copy of it from the Committee.

14 Q Is there any such memorandum?

15 A According to the sworn testimony of Mr.
16 Angleton of the CIB and former Director Helms, no.

17 MR. McGRANE: Excuse me. Mr. Hunt knows
18 I am trying to make an objection.

19 THE COURT: When he stands up, it is
20 highly indicative that he is going to raise an objec-
21 tion.

22 MR. McGRANE: He is testifying from
23 hearsay from two people that are not here, Mr. Angleton
24 and Mr. Helms.

25 THE COURT: Objection sustained.

1 Hunt - direct

2 BY MR. RUBIN:

3 Q -- If you were not in Dallas on November
4 22, 1963, as has been stipulated by the publisher now
5 in this lawsuit, could there have been a memorandum by
6 the CIA that you would have to explain why you were
7 there?

8 A No.

9 Q Do you know of the existence of such a
10 memorandum?

11 A No.

12 Q Did you inquire of the CIA as to whether
13 or not there was such a memo?

14 A I did.

15 Q Is that statement, that paragraph false?

16 A False.

17 Q Would you read the beginning of the next
18 paragraph which we called No. 16?

19 A [Reading]

20 "Hunt's reputation as a strident,
21 fanatical anti-Communist will count
22 against him."

23 Q Do you have a reputation as a strident,
24 fanatical anti-Communist?

25 A This is the first time I ever saw myself

1 Hunt - direct

2 so characterized.

3 Q Are you an anti-Communist?

4 A Yes.

5 Q What does "fanatical" imply to you?

6 A Unreasoning, paranoid.

7 Q "Strident," what does that mean?

8 A Loud in an aggressively belligerent way.

9 Q Would you read on, please?

10 A [Reading]

11 "So will his long and close rela-

12 tionship with the anti-Castro Cubans

13 as well as his penchant for clandestine

14 dirty tricks and his various capers

15 while one of Nixon's plumbers. E. Howard

16 Hunt will be implicated in the conspiracy

17 and he will not dare to speak out - the

18 CIA will see to that."

19 Q That last sentence, is that a statement
20 of fact?

21 A It is a false statement.

22 Q Is that a plain out and out accusation
23 that you were going to be implicated in a murder con-
24 spiracy?

25 A Yes, sir.

1 Hunt - direct

2 Q And that you will not dare to speak up?

3 A Yes, sir.

4 Q Because of what the CIA is going to do?

5 A That's what it says.

6 Q Did any of that come about?

7 A None of it came about.

8 Q Did you discuss that sentence with your
9 wife and children?

10 A I told them that in the event that any
11 indictment were ever brought against me in this matter,
12 no matter how false that they might be, that I would
13 certainly testify to the truth of the entire matter and
14 that nobody was going to prevent me from speaking out
15 in my own defense.

16 Q The next paragraph refers to other people
17 who allegedly this article says will be exposed. One
18 is Gerry Patrick Hemming.

19 Do you know whether or not this was
20 expressed at the hearings?

21 A I have no idea.

22 Q And the next paragraph concerns Castro's
23 former mistress.

24 Do you know a Marita Lorenz?

25 A Not personally. Who is she?

1 Hunt - direct

2 Q The article says--it refers to Hemming
3 and this Marita Lorenz.

4 Then the paragraph at the bottom of the
5 page, would you read that?

6 A [Reading]

7 "In any event, Hemming's Cuban
8 career and his connections with Oswald
9 make the Lorenz story difficult for him
10 to deny, particularly since the squad
11 allegedly also included Hunt and Sturgis."

12 Q Do you know what squad that article is
13 talking about?

14 A It is talking about a so-called hit squad

15 Q That went to Dallas?

16 A According to Marita Lorenz, yes.

17 Q By the way, what is the headline on that
18 page?

19 A It says, "Hunt."

20 Q One word, "Hunt." Could there be any
21 doubt in your mind and the reader's mind who this article
22 is about?

23 A Not at all. My name is in all three
24 headlines.

25 Q Read the next paragraph.

1 Hunt - direct

2 A [Reading]

3 -- "Who else will be identified as
4 having been part of the conspiracy
5 and/or cover-up remains to be seen."

6 Q Stop right there.

7 Who else besides--

8 A Besides Howard Hunt.

9 Q And, of course, you were not involved in
10 any conspiracy?

11 A No, sir.

12 Q Go on.

13 A [Reading]

14 "But a disturbing pattern is
15 already beginning to emerge. All the
16 villians have been previously disgraced
17 in one way or another."

18 Q Does this refer to you?

19 A Yes.

20 Q Go ahead.

21 A [Reading]

22 "They all have right wing reputa-
23 tions. Or they will have after the hear-
24 ings."

25 Q Did you have a right wing reputation that

1 Hunt - direct

2 you know of?

3 A No, sir.

4 Q Have you had one after the hearings?

5 A No, sir.

6 Q [Reading]

7 "The fact that some may have had
8 connections with organized crime will
9 prove to be only incidental in the long
10 run."

11 Did you have to explain that sentence to
12 your wife and family?

13 A Yes, I did.

14 Q Did you consider that this sentence was
15 referring to you as having connections with organized
16 crime?

17 A Yes, sir.

18 Q Did you have any connections with or-
19 ganized crime?

20 A No, sir.

21 Q At any time?

22 A As I explained, the only Mafioso I ever
23 knew and became aware of I had run into in prison.

24 Q Read on.

25 A [Reading]

1 Hunt - direct

2 "Those with provable ties to the
3 CIA or FBI will be presented as renegades
4 who acted on their own without the ap-
5 proval or knowledge of their superiors."

6 Q "Their superiors"?

7 A Yes.

8 Q You had approval of the CIA, did you not?

9 A Yes.

10 Q Was this sentence referring to you, in
11 your opinion?

12 A Yes, it was.

13 Q Were you present at any time anywhere as
14 a renegade?

15 A No, sir.

16 Q Did you ever act without the approval of
17 your superiors in the CIA?

18 A No, sir.

19 Q And the rest of the article does not men-
20 tion you and it only mentions probably what is going to
21 happen in the Committee hearings; is that true?

22 A Yes.

23 Q All right, Mr. Hunt.

24 In that newspaper that you have there on
25 the inside of the front page, in other words, on Page 2,

1 Hunt - direct

2 is there something called a guarantee by the Spotlight?

3 A Yes.

4 Q Under "Our Creed"?

5 A Yes.

6 Q Would you read the guarantee, please?

7 A [Reading]

8 "Our guarantee: The Spotlight

9 will always correct any meaningful

10 error of fact."

11 Q Mr. Hunt, were there any meaningful error
12 of fact in this article we have read line-by-line?

13 A Almost every line was a meaningful error
14 of fact..

15 Q To your knowledge, has Spotlight ever
16 corrected anything in that article?

17 A No, sir.

18 Q Even after the results of the hearing
19 were published?

20 A No.

21 Q Did you request them to correct it in a
22 letter that you authorized me to send them which is in
23 evidence?

24 A Yes.

25 Q Did they respond by correcting it?

1 Hunt - direct

2 A No, sir.

3 Q What did they say in the response to
4 paraphrase the letter or we can read the letter?

5 MR. RUBIN: Your Honor, may I publish
6 that to the jury?

7 THE COURT: Yes.

8 MR. RUBIN: Thank you.

9 BY MR. RUBIN:

10 Q Mr. Hunt, I hand you Plaintiff's No. 5.

11 Is that the letter that you authorized
12 me to send them telling them the article was false and
13 you demanded a retraction and apology?

14 A Yes.

15 Q Plaintiff's Exhibit 6, would you please
16 read that to the jury?

17 A Shall I describe it?

18 Q Yes. Who it is from and how it is ad-
19 dressed.

20 A The letterhead reads "Liberty Lobby, the
21 publisher of the Spotlight, the paper you can trust."

22 It gives the headquarters, office address,
23 a post office box in Los Angeles.

24 It gives the serial number of the Postal
25 Service certified receipt requested and it says it's

1 Hunt - direct

2 address to Mr. Ellis Rubin, Miami, Florida, under date
3 of August 25, 1978.

4 Q What is the date of the letter that you
5 authorized me to send them asking for a retraction?

6 And I now hand you Exhibit 5.

7 A The date of that letter is August 22nd.

8 Q So their letter came how many days after?

9 A Three days.

10 Q Would you read it, please?

11 A Reading from Liberty Lobby's response:

12 "Dear Mr. Rubin:

13 "I am responding on behalf of the
14 Spotlight newspaper to your letter of
15 August 22nd regarding an article published on August 14th which included
16 certain information about E. Howard
17 Hunt.
18

19 "While we have every reason to
20 believe in Victor Marchetti's reliability (Mr. Marchetti, incidentally, is
21 not our employee as you suggest but,
22 rather, is an independent contractor,
23 a freelance writer) and in the truth
24 an authenticity of the contents of his
25

1 Hunt - direct

2 article, we appreciate your bringing
3 your objections to our attention.

4 "We shall make a thorough and con-
5 scientious investigation of the refer-
6 ences to Mr. Hunt which appeared in The
7 Spotlight and which you quote in your
8 letter.

9 "If it appears that the material
10 which The Spotlight printed in the well-
11 founded belief that it was true and ac-
12 curate contains errors, then we shall
13 certainly print a retraction as you re-
14 quest.

15 "It has always been The Spotlight's
16 policy during the three years of its
17 existence to publish a prompt and full
18 correction of any errors.

19 "This is the first time I know of
20 that we have been accused of printing
21 defamatory matter. You can be assured
22 that we will make a special further
23 effort to confirm the facts contained
24 in Mr. Marchetti's article.

25 "As you may know, we are in sym-

1 Hunt - direct

2 pathy with Mr. Hunt's political views
3 and we certainly have no wish to attack
4 him. We regret any offense that Mr.
5 Marchetti's article has given to Mr.
6 Hunt."

7 It is signed, "Sincerely, Fleming Lee,
8 general counsel."

9 Q Based on your experience as an author,
10 have you dealt with publishers over the course of the
11 years?

12 A Over the course of many years, yes.

13 Q Are you familiar with the standards of
14 journalism which publishers adhere to before publishing
15 a story?

16 A Yes, sir.

17 Q Is it part of the standards to investi-
18 gate an authors story after it is published or before
19 it is published?

20 A Before it is published, obviously.

21 Q There is a line in that letter that in-
22 dicates that Liberty Lobby was going to investigate
23 Mr. Marchetti's story after the article was published.

24 A There are two statements.

25 Q Would you read them, please?

1 Hunt - direct

2 A [Reading]

3 "We shall make a thorough and con-
4 scientious investigation of the refer-
5 ences to Mr. Hunt which appeared in The
6 Spotlight and which you quote in your
7 letter."

8 The second is:

9 "You can be assured that we will
10 make a special further effort to confirm
11 the facts contained in Mr. Marchett's
12 article."

13 Q What did that indicate to you?

14 A Either they had made no prior investiga-
15 tion or they had made a superficial record, and now
16 that we objected, they were going to go back and cover
17 their tracks.

18 Q Did they ever send a copy of the article
19 to you before it was published?

20 A No, sir.

21 Q As a result of that letter, how long did
22 you have to wait until you got an explanation of this
23 investigation? And I hand you Plaintiff's Exhibit 7.

24 A By letter of September 13th, we inquired
25 again in response to Mr. Lee's letter asking the results

1 Hunt - direct

2 of the special further investigation that he had pro-
3 mised to undertake.

4 Q So you still did not hear from them for
5 two weeks?

6 A No, sir.

7 Q Would you read that letter to the jury?

8 A It is under the date of September 13,
9 1978. It is addressed to Fleming Lee in Washington,
10 re Howard Hunt and The Spotlight newspaper.

11 "Dear Mr. Lee:

12 "Thank you for your response to
13 ours of August 22, 1978, regarding an
14 article published by Spotlight on
15 August 14th including certain informa-
16 tion about E. Howard Hunt, my client.

17 "You indicated that you would make
18 a thorough and conscientious investiga-
19 tion to the references to Mr. Hunt.

20 "It has almost been three weeks
21 since you indicated same and we are
22 naturally anxious to know the results
23 of that investigation.

24 "I await your advice in the premise."

25 Q Did you finally get an explanation?

1 Hunt - direct

2 A Yes, sir. One was forthcoming a week
3 later.

4 Q Would you read that to the jury?

5 A Again, the same letterhead, Liberty
6 Lobby, the publisher of The Spotlight, the paper you
7 can trust.

8 Q Who is it signed by?

9 A Fleming Lee, general counsel.

10 Q All right.

11 A It is addressed to Mr. Ellis Rubin at
12 265 Northeast 26th Terrace.

13 "Dear Mr. Rubin:

14 "Thank you for your letter of
15 September 13th. I am sorry that we
16 have not responded earlier but we have
17 been collectively thinking about this
18 matter in the light of all of the facts.

19 "I believe that we are on solid
20 ground as far as the story itself is
21 concerned. Mr. Marchetti's integrity,
22 as far as I know, has never been called
23 into question except perhaps by the CIA,
24 which has a permanent injunction against
25 him insofar as him speaking out on cer-

1 Hunt - direct
2 tain subjects.

3 "We have purchased articles from
4 him from time to time on a freelance
5 basis, with payment upon publication,
6 and with good results.

7 "Upon the receipt of your letter,
8 we called Mr. Marchetti in to discuss
9 the story in depth. He gave us a de-
10 tailed explanation of his sources and
11 the development of his story.

12 "There was no hesitation or doubt
13 in his presentation, and we have no
14 reason to believe that he did not come
15 by his story honestly.

16 "Therefore, we cannot make a re-
17 traction such as you request.

18 "On the other hand, we are aware
19 that certain portions of the article
20 may be offensive to Mr. Hunt and, as I
21 say, we have no reason to want to be a
22 cause of injury to him, even inadver-
23 tently. We therefore have come up with
24 an idea which, I think, may solve the
25 problem for all.

1 Hunt - direct

2 "I am authorized to propose that
3 we-do an interview with Mr. Hunt the
4 next time that he is in Washington,
5 which will give him the opportunity
6 to place his side of the question in
7 The Spotlight as well as his thoughts
8 on other questions.

9 "An interview such as this, which
10 would take one or two pages in the news-
11 paper, when interperse with pictures of
12 him, would have at least as much reader-
13 ship as the Marchetti article and so
14 would eliminate any personal damage to
15 him which may have occurred.

16 "It would also be a valid news
17 story for The Spotlight.

18 "The interview would best be done
19 in our conference room in the Liberty
20 Building on Capitol Hill.

21 "If Mr. Hunt would provide me with
22 at least a week's advance notice of his
23 arrival, so long as it would not be on
24 a Tuesday or a Wednesday (Thursday or
25 Friday would be the best), then we could

1 Hunt - direct

2 be prepared.

3 "If Mr. Hunt would want Mr.
4 Marchetti as one of his questioners,
5 no doubt that that could also be
6 arranged.

7 "If he would prefer not, the ques-
8 tioners would be one or two of the staff
9 of The Spotlight.

10 "I would be present as an observer.
11 We would want to record the interview as
12 I am sure that you would.

13 "I would appreciate hearing from
14 you about this and rest assured that we
15 are, in all good faith, anxious to con-
16 clude this matter.

17 "So far, The Spotlight's record for
18 accuracy is unblemished, and we intend
19 to maintain that record.

20 "Sincerely, Fleming Lee, general
21 counsel."

22 Q As a result of that letter, did you au-
23 thorize me to file a lawsuit?

24 A Yes.

25 Q After filing the lawsuit and after you

1 Hunt - direct

2 sent me to Washington to take testimony from certain--
3 well, the publisher of Spotlight, Mr. Willis Carto,
4 and the managing editor of The Spotlight newspaper,
5 did we discover that one of the paragraphs in the manu-
6 script that was submitted by Mr. Marchetti was actually
7 written by the managing editor of Spotlight newspaper?

8 A We made such a discovery.

9 Q I now have the original manuscript that
10 has been supplied to me by Liberty Lobby.

11 MR. RUBIN: Your Honor, I am going to
12 offer that into evidence.

13 THE COURT: Any objection?

14 MR. McGRANE: No.

15 THE COURT: It will be marked as Plain-
16 tiff's Exhibit 10.

17 [Plaintiff's Exhibit No. 10
18 was received in evidence.]

19 BY MR. RUBIN:

20 Q I hand you Plaintiff's Exhibit No. 10.
21 We had first been supplied with a photostat or a copy;
22 is that right?

23 A Yes, sir.

24 Q Now, turning to Page 4 of that original
25 manuscript which was given to The Spotlight by Victor

1 Hunt - direct

2 Marchetti, on Page 4, did we discover something that led
3 us to the knowledge that Victor Marchetti didn't write
4 this whole story?

5 A Yes, sir.

6 Q What was it?

7 A There was a difference in the typography.

8 Q What is that?

9 A Difference in the two typewriters that
10 were used. In other words, there was an insert here
11 that had been made in smaller face type than in the
12 type that was originally used by Mr. Marchetti when he
13 typed the article.

14 Q When we got the photostat, could we then
15 tell that smaller type had been passed over with black?

16 A With difficulty, yes.

17 Q What does it look like on the original?
18 Is it obvious there is a pass-over?

19 A It is.

20 MR. RUBIN: I would like to show this to
21 the jury.

22 THE COURT: All right.

23 BY MR. RUBIN:

24 Q First let's read the article to the jury
25 that has been substituted.

1 Hunt - direct

2 A The substituted paragraph read as
3 follows: --

4 "In the public hearings, the CIA
5 will admit that Hunt was involved in
6 a conspiracy to kill Kennedy. They
7 may go so far as to admit that there
8 were three gunmen shooting at Kennedy.
9 The FBI, while publicly embracing the
10 Warren Commission's one-man-acting-
11 alone conclusion, has always privately
12 known that there were three gunmen.
13 The conspiracy involved many more people
14 than the ones who actually fired at
15 Kennedy, both agencies may now admit,"
16 and that is in pencil.

17 Q There is a cross-out on that, is there
18 not?

19 A Yes.

20 Q What was the original typing?

21 A "Both agencies private believe."

22 Q And that was changed to what?

23 A "May now admit."

24 Q Based on what you have testified to, is
25 it true that all of the headlines, the captions under

1 Hunt - direct

2 the pictures and this paragraph on Page 4 which appears
3 to be the most damaging--

4 MR. McGRANE: I have got to object to
5 the form of the question.

6 MR. RUBIN: Withdrawn.

7 As soon as I said it, I knew it was argu-
8 mentative. I apologize to the Court and the jury.

9 BY MR. RUBIN:

10 Q All of the sub-headlines and the para-
11 graphs were all written by the managing editor of The
12 Spotlight?

13 A That's correct.

14 THE COURT: Let's take a recess.

15 [Recess taken.]

16 THE COURT: Bring in the jury.

17 MR. RUBIN: Before you do that, may I
18 advise the Court that at 1:30 Judge Hoeverler has set a
19 sentencing.

20 THE COURT: We will work it out.

21 Counsel, I would suggest that you are
22 beginning to repeat some of your inquiry, and let's not
23 be repetitious.

24 MR. RUBIN: Right, your Honor.

25 [Jury entered the courtroom.]

1 Hunt - direct

2 THE COURT: Please be seated.

3 MR. RUBIN: I was going to show the jury
4 Page 4 of the original manuscript.

5 THE COURT: You may publish the exhibit.
6 Counsel, they can see that while you are
7 questioning. Go ahead.

8 BY MR. RUBIN:

9 Q Mr. Hunt, recently, did you receive some-
10 thing in the mail from Liberty Lobby?

11 A I did.

12 MR. McGRANE: I am going to object on
13 relevancy.

14 Why don't you show the Court first and
15 maybe we can save a couple of minutes?

16 MR. RUBIN: All right.

17 THE COURT: The objection is sustained.
18 Mark it for identification as 4-A.

19 [Plaintiff's Exhibit No. 4-A
20 was marked for identification.]

21 BY MR. RUBIN:

22 Q Mr. Hunt, since this article was pub-
23 lished, has your life been the same as before the article
24 was published?

25 A No, sir.

1 Hunt - direct

2 Q How is it different?

3 A Loss of income, family problems in the
4 sense that there was an eruption of mistrust within my
5 family immediately upon the publication of the article,
6 something that is very difficult to quell, the fact
7 that I was humiliated just by being associated with
8 the killing of John Kennedy, and having to submit to
9 extensive questioning by the House Special Committee
10 on Assassinations.

5B 11 Those things took a toll on my morale
12 very definitely.

13 Q Do you want this jury to set the record
14 straight, is that why you filed this lawsuit?

15 A That is one of the reasons, yes.

16 MR. RUBIN: You may inquire.

17 CROSS EXAMINATION

18 BY MR. McGRANE:

19 Q Mr. Hunt, if I may, I would like to dis-
20 cuss with you a few things.

21 Your involvement in what is commonly
22 known as Watergate in America, you started out almost
23 from the beginning with the group known as the White
24 House Plumbers; is that correct?

25 A Well, I don't know who is supposed to be

1 Hunt - cross.

2 included in that designation. I don't know who the
3 Plumbers are.

4 Q You were included in the group that
5 worked in the executive office of the White House--I
6 think they said it was in the basement at one time or
7 another.

8 A I can't testify to that. My office was
9 on the fourth floor of the Old Executive Building.

10 Q Your involvement--again using the term
11 "Watergate" broadly--was more than just the two break-
12 ins into the Watergate Complex into the Democratic
13 offices, isn't that correct?

14 A I can't think of anything else.

15 Q Were you involved in any way with the
16 break-in to Daniel Elsborg, the psychiatrist in Cali-
17 fornia?

18 A It was a separate action having nothing
19 to do with Watergate.

20 Q You organized that break-in, did you not?

21 A Mr. Liddy and I did.

22 Q And you were not in the city during that
23 break-in?

24 A That's correct.

25 Q You did other things besides these three

1 Hunt - cross

2 break-ins that were in violation of the laws in the
3 United States?

4 A Well, I don't know what you are referring
5 to. I was only charged with the Watergate break-in in
6 the offenses of the 17th of June 1972, and I pled guilty
7 to them.

8 I am not prepared to discuss other matters
9 in that context of criminality.

10 Q In that context, during the investigation,
11 you lied under oath?

12 A In the investigation? Please be precise,
13 sir.

14 Q Sir, have you ever lied under oath?

15 A I have.

16 Q Mr. Hunt, you have testified concerning
17 the damages in your opinion that this article has done
18 to you both financially and otherwise; is that correct?

19 A Yes.

20 Q If we could, let us inquire about the
21 financial implications in your mind.

22 Who is going to come to testify in this
23 trial, if anyone, that a single lecture other than your-
24 self--that a single lecture was cancelled because of
25 the article in The Spotlight?

1 Hunt - cross

2 A Other than myself, I don't know.

3 Q Is there going to be anyone?

4 A Not to my knowledge.

5 Q Is there going to be anyone to come to
6 testify other than yourself that a single book publish-
7 ing contract was cancelled because of the article in
8 The Spotlight?

9 A It is possible my wife may have knowledg
10 of that.

11 Q Any direct knowledge as being a publishe
12 itself?

13 A No. But as being the person who manages
14 my correspondence with publishers.

15 Q As a matter of fact, sir, your lecture
16 arrangements, your tour arrangements basically fell
17 apart and came to a halt January of the year preceding
18 this article; isn't that correct?

19 A I don't know what you mean. January of
20 what year, sir?

21 Q 1978.

22 A I can't answer to that.

23 Q Isn't it a fact, sir, that you testified
24 under oath that the last lecture you gave for pay prior
25 to publication of The Spotlight was November of 1977?

1 Hunt - cross

2 A I don't know when my last lecture was,
3 sir.

4 Q May I refresh your recollection?

5 A Yes.

6 Q Sir, you gave a deposition in the case
7 of Hunt vs. The Third Press on April 14, 1978, which
8 would have preceded the publication of this article;
9 am I correct?

10 A The date again, Mr. McGrane?

11 Q April 14th of 1978.

12 A Yes.

13 Q In that, you were asked the question on
14 Page 7, unnumbered lines:

15 "Q Do you feel that the notoriety
16 you have derived from the allegations
17 my client made on you may have aided in
18 the attendance of those lectures?

19 "A On the contrary. I think the
20 fact that I have not spoken for pay since
21 last November 16th is an indication to
22 me that the continuing linkage of my name
23 with the dramatic events of Dallas has a
24 very definitely and deleterious effect
25 on my income."

1 Hunt - cross

2 A What is your question, sir?

3 Q -- Isn't it true that the last time you
4 spoke for pay as a lecturer was on November 16, 1977?

5 A My recollection was clear at that time,
6 and if that is what I testified to, that is the fact,
7 sir.

8 Q Sir, Mr. Rubin stated that you would
9 like to set the record straight; is that correct?

10 A Yes, sir.

11 Q You were invited by Liberty Lobby to
12 come to their offices, be interviewed by Mr. Marchetti
13 if you chose basically under whatever ground rules you
14 wanted to set the record straight.

15 That was done within three, four, five
16 weeks of the publication of this article and you chose
17 not to do so; is that correct?

18 A That's correct.

19 Q And your response was this lawsuit?

20 A That's correct. Because the invitation
21 specified I would be able to tell my side of the story,
22 and as far as I am concerned, there is only one side,
23 my side.

24 Q And you chose not to give it?

25 A I chose not to give it, yes.

1 Hunt - cross

2 Q Mr. Hunt, you read this article in its
3 entirety; is that correct?

4 A That's correct.

5 Q Quite a few times; is that a fair state-
6 ment?

7 A Yes.

8 Q Do you know any correspondence, any law-
9 suit or any injunctions from the CIA directed towards
10 Liberty Lobby or Spotlight in reference to this article?

11 A Do I know of any? No, sir.

12 Q Yet it was your testimony earlier that
13 Mr. Marchetti was under an injunction from the CIA to
14 approve prior to publication any articles dealing with
15 the CIA?

16 A That is my understanding of the Court
17 order.

18 MR. McGRANE: I have no further ques-
19 tions? Thank you, sir.

20 THE COURT: Redirect.

21 REDIRECT EXAMINATION

22 BY MR. RUBIN:

23 Q You stated that you lied under oath.

24 A Yes, sir.

25 Q How did that come about and why and when

1 Hunt - redirect

2 A It came about during Grand Jury proceed-
3 ings in connection with the Watergate case at a time
4 when I was still trying to salvage something to protect
5 the Administration.

6 I did it very ill advisedly and I was
7 rehabilitated at a later date from the Federal Govern-
8 ment when I appeared at a later date.

9 Q So you were told to give a certain answer
10 and you did?

11 A Are you referring to the Grand Jury tes-
12 timony?

13 Q Yes.

14 You say you were ill advised to protect
15 something else.

16 A I was not well counseled by the attorney
17 I then had and, in addition, I felt by honor that I
18 attempted to shield the people responsible for the
19 entire Watergate fiasco.

20 As I say, it was a very poor judgment
21 and I freely admitted it at a later date.

22 Q Have you testified truthfully in this
23 case?

24 A Yes, sir.

25 Q Have you testified previously when you

1 Hunt - redirect

2 were put under oath in any form outside of the one in-
3 cident you just told us about?

4 A Yes, sir.:

5 Q You were asked about when you made your
6 last lecture for pay, and it appears to be in November
7 or December of 1977 before this article.

8 Is there any way for you to tell the
9 jury how many lectures were not scheduled for you after
10 that?

11 A I would have no way of knowing that.

12 Q You say you did not choose to give the
13 interview that they requested.

14 Was that because of the reputation that
15 Liberty Lobby had and The Spotlight had and you did
16 not want to be in the paper?

17 A Yes, that is one of the reasons.

18 And if I could go back to Mr. McGrane's
19 question, you said, did I want to set the record
20 straight, I want to set the record straight in a national
21 forum and not in the confines of the Liberty Lobby
22 office where I had no control.

23 MR. RUBIN: I have no further questions.

24 THE COURT: Thank you, sir. You may step
25 down.

[Witness excused.]

1 MR. RUBIN: Your Honor, I have received
2 an official report on the Select Committee on Assassina-
3 tions, and according to the rules of evidence, I wish
4 to enter this into evidence at this time because the
5 other one was not an official basis.

6 MR. McGRANE: On the basis of your ruling
7 I believe because of the stipulation, that it was no
8 longer necessary.

9 THE COURT: That is correct. And I will
10 not admit it. Because of the stipulation, it is no
11 longer relevant.

12 Again, you may mark it for identifica-
13 tion and protect your record.

14 [Plaintiff's Exhibit No. 5-A
15 was marked for identification.]

16 MR. RUBIN: At this time, by stipulation
17 with opposing counsel, I am going to offer into evidence
18 the following items--

19 THE COURT: Offer your next exhibit.

20 MR. RUBIN: Your Honor, the first exhibit
21 is the check from The Spotlight to Victor Marchetti in
22 payment for the article in question.

23 MR. McGRANE: By stipulation.

24 THE COURT: Mark it as the next numbered
25 exhibit, No. 11.

1 [Plaintiff's Exhibit No. 11
2 was received in evidence.]

3 MR. RUBIN: The next item would be the
4 invoices for articles submitted by Victor Marchetti
5 before the publication of this article in question.

6 MR. McGRANE: By stipulation.

7 THE COURT: It will be admitted as Ex-
8 hibit No. 12, Composite No. 12.

9 MR. McGRANE: To complete the record,
10 that also includes the invoice for this article.

11 THE COURT: Fine.

12 [Plaintiff's Composite Exhibit
13 No. 12 was received in evi-
14 dence.]

15 MR. RUBIN: The next, your Honor, is a
16 statement of ownership, management and circulation of
17 The Spotlight as submitted by the defendant.

18 MR. McGRANE: By stipulation, your Honor.

19 THE COURT: Without objection, it will
20 be marked as Plaintiff's No. 13.

21 [Plaintiff's Exhibit No. 13
22 was received in evidence.]

23 MR. RUBIN: The next is the statement of
24 the circulation and subscribers in the State of Florida
25 of The Spotlight newspaper.

1 THE COURT: It will be marked as Plain-
2 tiff's No. 14.

3 [Plaintiff's Exhibit No. 14
4 was received in evidence.]

5 MR. RUBIN: Finally, your Honor, we have
6 the comparative financial statement for Liberty Lobby,
7 Inc., for the years 1979 and 1980 which is their latest
8 records.

9 THE COURT: Without objection, mark it
10 as plaintiff's next exhibit number, No. 15.

11 MR. RUBIN: At this time, we would
12 present the deposition of Willis Carto.

13 THE COURT: Ladies and gentlemen, I have
14 instructed you on the manner in which you should receive
15 this deposition. The same instruction is applicable to
16 this and all depositions.

17 MR. RUBIN: Mr. Young of my office will
18 take the place of Mr. Carto.

19 Beginning on Page 3.

20 The deposition of

21 WILLIS CARTO

22 was read as follows:

23 DIRECT EXAMINATION

24 BY MR. RUBIN:

25 "Q Your name and address for the record,

1 Carto - direct

2 please.

3 "A Willis A. Carto, 132 - 3rd Street, South-
4 east, Washington.

5 "Q Wre you the founder of Liberty Lobby?

6 "A Yes. With others.

7 "Q. What others?

8 "A Maverne Kaub, Henry Trevor. A number of
9 other people I knew back in the early fifties--mid
10 fifties.

11 "Q It was founded where and in what year?

12 "A 1955.

13 "Q What was the purpose?

14 "A The purpose was to establish a pressure
15 group for patriotism, to counterbalance the special
16 interests pressure groups then existing...

17 "Q Is Liberty Lobby presently in litigation
18 with any other plaintiffs or defendants?

19 "A Yes.

20 "Q. Do you know the names of the cases?

21 "A Liberty Lobby vs. William F. Buckley,

22 Jr."

23 MR. RUBIN: Your Honor, we are going to
24 skip over this particular portion. There is colloquy
25 and objections.

1 Carto - direct

2 Turning to Page 7, we will start with
3 Line 19. -- --

4 BY MR. RUBIN:

5 "Q Are you the person who suggested the
6 interview with Mr. Hunt in response to his letter ask-
7 ing for a retraction?

8 "A Well, I don't know. When your letter
9 came in, Mr. Rubin, needless to say, Mr. Lee and I and
10 Mr. Tucker discussed it and how to handle this rather
11 unexpected development, and who exactly suggested this
12 out of the three of us, I am not prepared to say at
13 this time.

14 "Q All right.

15 "But it represents your thinking?

16 "A Absolutely.

17 "Q All right.

18 "Who decided not to inform Mr. Hunt of
19 the article before it was published?

20 "A I didn't understand that there was any
21 obligation on anyone to so inform Mr. Hunt. We have
22 stories in The Spotlight every week of dozens of indi-
23 viduals, and we don't inform them as a matter of any--
24 any more than any other groups would, unless there's a
25 matter of information that we have to get, in which

1

2 case, needless to say, we inform them or ask or contact
3 them to ask questions.

4

4 "Q Looking at the manuscript which Mr. Lee
5 has provided, when was the first time you saw that?

6

"A I don't remember.

7

7 "Q You don't remember? Well, how long be-
8 fore August 14th did The Spotlight start working on the
9 story?

10

"A I don't know.

11

"Q Who would know that?

12

"A Well, maybe Mr. Tucker would.

13

13 "Q Who was the manuscript submitted to by
14 Mr. Marchetti?

15

15 "A Well, I presume to Mr. Tucker. Well, he
16 brought it in or mailed it or had it delivered, I don't
17 know.

18

18 "Q I take it that Mr. Marchetti had sub-
19 mitted articles to The Spotlight before August of 1978?

20

"A That's correct.

21

"Q And he had been paid for those?

22

"A Yes, sir.

23

23 "Q And there were no complaints made by
24 anyone about the contents of those articles?

25

"A None that I know of. "

1

Carto - direct

2

2 "We had no reason on our part to be ap-
3 prehensive or to feel in any way that the articles were
4 not worth what we were paying for them.

5

5 "Q When you first read the manuscript, had
6 you ever seen anything like it before concerning E.
7 Howard Hunt?

8

"A Oh, yes.

9

9 "Q Would you mind telling me what it was
10 that you saw before?

11

11 "A Well, Mr. Rubin, Mr. Hunt has been men-
12 tioned extensively by every newspaper in the country,
13 repeatedly, in regard to the Kennedy assassination.

14

"Q Can you name some?

15

15 "A The New York Times, the Washington Post,
16 the New York Post, the Chicago Tribune, the Denver
17 Post, the Los Angeles Times, the San Francisco Chronicle,
18 the Fort Worth Telegram, the Kansas City Star, the
19 Atlantic Constitution.

20

20 "Q I will hand you some of these documents
21 and ask you if these are some of the articles that you
22 are referring to.

23

"I think there's one from Time Magazine.

24

24 "A Not ever reading the Miami Herald, I
25 wouldn't have any knowledge of that.

25

1 Carto - direct

2 "The Washington Post article of November
3 5, 1978, 'Role in murder of J.F.K. denied by Hunt
4 again,' I may have seen that.

5 "The other ones I can't say for sure.

6 "Q All right.

7 "But is that the general tenor of what
8 you are talking about, the type of articles that you
9 saw?

10 "A No.

11 "Q Well, what articles did you see?

12 "A Well--

13 "Q What was the content generally of the
14 articles?

15 "A Well, there was a lot of information
16 that I picked up having an interest in this as I suppose
17 anybody has who tries to keep abreast of affairs.

18 "I remember that Mr. Hunt was accused of,
19 as I recall, the murder of his wife by a gentleman by
20 the name of--in Chicago. I'm sure you know who I mean.

21 "Q Skolnick?

22 "A Sherman Skolnick, right. Right.

23 "Are you suing Mr. Skolnick, Mr. Rubin?

24 "Q I am here to ask questions, Mr. Carto.

25 "A Oh, okay.

1 Carto - direct

2 "There were others. A lot of people
3 picked that up. There were various articles. I am
4 sure that I read about it.

5 "There has been so much on this, so many
6 booxes, so on and so forth, it's impossible for me to
7 specifically ascribe sources at this time.

8 "Q All right.

9 "Then you would say that you are gener-
10 ally familiar with accusations?

11 "A No, no. I would say that I had read in
12 a number of different publications, right wing, left
13 wing, center wing, and heard on radio call-in shows,
14 and in general conversations numerous times I had heard
15 references to Mr. Howard Hunt in regard to the assassina-
16 tion, in regard to the CIA, in regard to the strange
17 crash of the plane in Chicago with his wife and all that
18 cash, et cetera.

19 "Q Did you ever read of Mr. Hunt's denials
20 of any participation in the Kennedy assassination?

21 "A Yes.

22 "Q All right.

23 "Were you aware of the fact that the FBI
24 had opened up its files on the Kennedy assassination
25 some time in 1977, that there were several journalists

"A I suppose I was. But there had been so many things happening in regard to the aftermath of the assassination that I do not have a pointed recollection of it all.

"Q Why not?

"So we simply don't run articles on that subject unless they are by a very reputable author and where we can bank on the facts.

"But I wouldn't--unless someone came along with absolutely guilt-edged proof" of who perpetrated that crime, I doubt if we would be interest in it.

Q In every edition of The Spotlight and in this printed material which is contained in the mail out, Liberty Lobby has a guarantee.

1 Carto - direct

2 "Reading your guarantee:

3 "'The Spotlight will always correct
4 any meaningful error of fact.'

5 "Do you recall that?

6 "A That's absolutely correct.

7 "Q Then do you know who composed that?

8 "A I did.

9 "Q And is it true?

10 "A Of course. Everything in The Spotlight
11 is true.

12 "Q And, in fact, I think Affirmative Defense
13 No. 2 in this lawsuit in your Answer is that the facts
14 contained in this article are true.

15 "Are you familiar with that?

16 "A If you say so.

17 "Q Well, I will show you the Answer so that
18 we will be on target here. All right?

19 "A To Amended Complaint. Let me see if I
20 can find it.

21 "Yes. Second affirmative defense.

22 "Q What does that say?

23 "A [Reading]

24 "'Fourteen, the matter in the
25 article complained of was true.'

1 Carto - direct

2 "Q That was the general tenor of the article
3 Was it not that the CIA, during the hearings of the
4 House Special Committee on Assassinations was going to
5 reveal some things about Howard Hunt?

6 "A Yes.

7 "Q And the Kennedy assassination?

8 "A Yes.

9 "Q And, in fact, it specified that they
10 were going to connect him with a conspiracy?

11 "A Correct.

12 "Q And that he was not going to be able to
13 get out of it, and that because of his reputation and
14 his veracity having been destroyed, he is going to be
15 left to 'twist in the wind,' I believe.

16 "A I don't believe that phrase--I don't
17 remember that phrase being used.

18 "Q It's right there.

19 "Q And if you could, would you just tell
20 me what the general tenor and the general story content
21 is in that article concerning E. Howard Hunt?

22 "A Well, I can tell you that without read-
23 ing it again-- If there are specific questions regard-
24 ing the article, I will be happy to take up our time in
25 reading it again. But the general tenor of the article

1 Carto - direct

2 is that, according to a well informed source, the CIA

3 was going to throw up a decoy, you might say, in regard

4 to the Kennedy assassination and admit a limited parti-

5 cipation in it and that Howard Hunt was selected to be

6 the sacrificial lamb, so to speak.

7 "Q All right.

8 "And the date of that article is August
9 14, 1978; is that correct?

10 "A Correct.

11 "Q When were the Committee hearings over,
12 do you know?

13 "A No, sir.

14 "Q They were over obviously after August
15 14, 1978?

16 "A Well, not necessarily because The Spot-
17 light is printed and mailed ten days ahead of the date-
18 line.

19 "Q All right.

20 "Well, I think that I can advise you that
21 it was completed either some time in 1979 or even way
22 up to 1980.

23 "You know they had a long recess while
24 they wrote their report.

25 "And have you seen a copy of the final

1 Carto - direct

2 report?

3 "A__ No, sir.

4 "Q Of the House Special Committee?

5 "A I have a copy of the front of the report,
6 the title page, and the only page in the report that
7 refers to E. Howard Hunt.

8 "Q Would you look at that, please? It's on
9 that page. And then after we look at that, I will have
10 the court reporter mark it.

11 "A All right."

12 MR. RUBIN: Now, going down to Line 12.

13 "A: You were referring to the reference to
14 E. Howard Hunt?

15 "Q And then the footnote.

16 "A And the footnote, yes.

17 "Q Yes. It's not very clear but it's as
18 clear as we could copy it.

19 "Is that the first time you have seen
20 that?

21 "A Yes, sir.

22 "Q Did you know of it before today?

23 "A Yes.

24 "Q When did you learn of what the Committee
25 had to say about E. Howard Hunt and any possible involve

1 Carto - direct

2 randum in CIA files indicating Hunt was
3 in Dallas on November 22, 1963. The
4 rumor was not founded on fact. In addi-
5 tion, Hunt gave the Committee a sworn
6 deposition in which he denied the alle-
7 gation and the Committee found no evi-
8 dence that contradicted Hunt's deposi-
9 tion.'

10 "I guess that means 179.

11 "Q Exhibit 179. All right.

12 "Can we mark that now? Mark that Exhibit
13 4, and I offer it.

14 "Exhibit 3 is a collective exhibit of
15 newspaper articles dated 1975, 1977 and 1979.

16 "Mr. Carto, you say there was nothing
17 in the article that called for a correction by Liberty
18 Lobby or The Spotlight Magazine based on the results
19 of the investigation by the House Committee?

20 "Well, let me ask him another question.

21 "I would like you to now refer to this
22 manuscript, sir, and I am going to ask you some ques-
23 tions about it.

24 "Did you help edit and proofread this
25 manuscript?

1 Carto - direct

2 "A Yes.

3 "Q -- Is your handwriting on it anywhere?

4 "A Yes.

5 "Q Can you point that out, please, to us on
6 what page and what it says?

7 "A On Page 1, there at the top right-hand
8 it says, 'Give proper bio of author, WAC.'

9 "Q All right.

10 "Let's stay on Page 1 and I will get to
11 other pages as we ask you questions.

12 "A Okay.

13 "Q I noticed that there was a different
14 heading on the manuscript than appears on the newspaper
15 itself.

16 "Would you read the headline on the
17 manuscript?

18 "A 'The J.F.K. assassination; new develop-
19 ments and another cover-up.'

20 "Q Was it ever included in the published
21 article?

22 "A No.

23 "Q What headlines do appear on the published
24 article on the front page and then the inside pages,
25 4 and 5?

1 Carto - direct

2 "A The front page: 'CIA to nail Hunt for
3 Kennedy killing.' _ That's Page 1.

4 Pages 4 and 5: 'CIA to admit Hunt in-
5 volvement in Kennedy slaying.'

6 "Q Who prepared those headlines?

7 "A Well, Mr. Tucker, I presume.

8 "Q Did he have to get approval for the
9 wording from someone?

10 "A No.

11 "Q This was strictly on his own?

12 "A Yes.

13 "Q Did he show it to you before publication?

14 "A I don't think so.

15 "Q Do you know why he chose the wording that
16 he used instead of the wording that Marchetti had sub-
17 mitted?

18 "A In general.

19 "Q Would you tell us that explanation,
20 please?

21 "A Well, headlines are always written from
22 two standpoints. Number one, they have to fit a cer-
23 tain space available. That is basic. Secondly is,
24 within that limit, they must get the interest of the
25 reader and relate to the contents of the story.

4 "A Yes.

7 "A Mr. Tucker.

10 "A No.

14 "A Pardon?

17 "A Yes.

20 "A Well, I may not have been in town at
21 that time, Mr. Rubin. If I was in town at that time,
22 well, I would have checked the pages.

25 "A When I am in town, yes, sir.

1 Carto - direct

2 "Q Do you consider The Spotlight your crea-
3 tion?

4 "A No-- Well, let me say partially.

5 "Q You wouldn't deny it?

6 "A I'm not.

7 "Q What are these numbers on the left-hand
8 side of Page 1 of the manuscript? What do they mean?

9 "A Well, 10-11 on 30, that means 10 point
10 on 11. It refers to the size of the type. One 30,
11 that means thirty picas is the length of the line.
12 It's approximately five inches.

13 "Q All right.

14. "Let's go down onto Page 2.

15 "Is there handwriting on Page 2 of the
16 manuscript that is your handwriting?"

17 "A No, sir.

18 "Q Who decides on the sub-headline toward
19 the bottom of the page, 'A new cover-up'?

20 "A That appears to be Mr. Tucker's hand-
21 writing.

22 "Q Why didn't it appear in the published
23 version? Or did it?

24 "A Quite likely because of space.

25 "Q Was the headline in your opinion designed

1 Carto - direct

2 "A 'CIA to nail Hunt for Kennedy killing.'

3 .. However, let me point out that what we
4 referred to as the banner headline is 'Bankers rigged
5 dollar crisis to sell out U. S. sovereignty,' which
6 is a large type.

7 "Q All right.

8 "By the way, did you get any response
9 from your readers to the Hunt article?

10 "A I don't recall that we received any.

11 "O Who would know that?..."

12 "A Well, Mr. Tucker or Mr. Marchetti, since
13 any--let me mention this--that any letters which would
14 be addressed to Victor Marchetti in care of The Spot-
15 light would have been forwarded to Mr. Marchetti un-
16 opened.

17 "So I would assume that any comment on
18 the article would go directly to him.

19 "Whether there was any letters printed
20 in The Spotlight later as a result of the story could
21 be ascertained by an inspection of subsequent issues.

22 "I don't recall that there was.

23 "Q Is The Spotlight and Liberty Lobby
24 responsible for what is published in the weekly news-
25 paper?

1 Carto - direct

2 "A Yes, sir.

3 "Q All right. Regardless of who writes it?

4 "A That's a legal interpretation. I'm not
5 qualified to give it.

6 "Q All right.

7 "Let's get to Page 3 of the manuscript
8 and in the middle of the page is the printed wording,
9 'They'll hang Hunt.'

10 "Who wrote that, do you know?

11 "A Again, that-- No, I don't know. I can
12 say that looks like Mr. Tucker's handwriting.

13 "Q All right.

14 "Were you aware of that before the
15 article was published?

16 "A Aware of what, sir?

17 "Q 'They'll hang Hunt,' the wording.

18 "A Before the manuscript was published?

19 "Well, if I saw the page, then I was cer-
20 tainly aware of it.

21 "I don't recall I proofed the page or
22 not.

23 "Q Well, your handwriting is on the first
24 page.

25 "A No. I mean, not at all. I meant the

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1 Carto - direct

2 to 'both agencies may now admit'?

3 "A__ Well, let me point this out: Number one,
4 at the time, I don't believe we had a man serving as a
5 full-time copy reader, which we do now.

6 "Secondly, whoever does read the copy,
7 whether it's Mr. Tucker, DeRemer or me or the copy
8 reader or anyone, knows very well our policy in regard
9 to manuscript changes.

10 "And the policy is that in the case of
11 a by-lined article or where the article is written by
12 a person who is known on his right side either being an
13 author or otherwise known to our readers and to the
14 press, the copy reader may not make any substantive
15 changes whatsoever in the story, obviously.

16 "But when an article is written by our
17 own staff, why, then the copy reader, of course, has
18 full authority to make any changes, including substan-
19 tive changes, changes in meaning, changes in wording
20 and so on and so forth.

21 "Quite obviously when we run the story
22 of a prominent person, why, we can't change his words.

23 "Q So who changed those words 'privately
24 believe' to 'may now admit'?

25 "A I would say--

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Carto - direct

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"A Well, that he had sued for millions of dollars in damages claiming he could prove that he had been in Washington, D.C., that day.

"Q Did you confirm that?

"A I didn't confirm it, no.

"Q Who did you order to confirm it?

"A Mr. Tucker.

"Q Okay.

"And what did he report back to you?

"A Well, he reported back, I'm sure, that it was true.

"Q Did he say how he had confirmed it?

"A He may have. I don't recall. It was a number of years ago.

"Q Well, we'll ask him.

"Why did you find it necessary to have somebody confirm this fact and no other fact in the whole manuscript? Was there some doubt in your mind as to the truth of that or the accuracy of it?

"A Well, I feel that it's prudent at all times to check facts in which there is any degree of unclearness--of unclarity.

"In this case, trying to reconstruct my thought processes, which is rather difficult, I believe

Carto - direct

2 that I was unaware of this suit and wanted to know more
3 about it. And so we got the information.

4 "Q Mr. Tucker got it?

5 "A Mr. Tucker got it included.

6 "Q On the bottom line as part of the infor-
7 mation that you wanted confirmed, the original manu-
8 script read:

"It turned out, however--"

10 MR. McGRANE: Excuse me.

11 . Can we put in the quotes?

12 MR. RUBIN: Yes.

13 BY MR. RUBIN:

14 "Q On the bottom line as part of the infor-
15 ation that you wanted confirmed, the original manu-
16 script read:

17 "It turned out, however, that
18 he was not,

19 and that was changed to:

20 "It turned out, however, that
21 this was not true."

22 "Who made that change?

23 "A I don't know.

24 "O You did not?

25 "A No.

1 Carto - direct

2 "Q Is that all you wanted confirmed?

3 "A__ As_far as I recall.

4 "Q Getting on to Page 5 of the manuscript,
5 the paragraph beginning, 'Now, the CIA moved to finger
6 Hunt and tie him to the J.F.K. assassination.'

7 "Did you have a source for that or was
8 this Mr. Marchetti's?

9 "A Well, that was Mr. Marchetti's, of
10 course.

11 "Q Was it opinion or based on fact?

12 "A In our discussions with Mr. Marchetti,
13 both prior to and subsequent to the story, we were de-
14 cidedly of the conviction it is based on fact.

15 "Mr. Rubin, you got me all the way from
16 California one time here for a deposition--"

17 MR. McGRANE: This is irrelevant.

18 MR. RUBIN: Let's go to Page 34, Line 11

19 BY MR. RUBIN:

20 "Q The statement later on on that page in
21 the same paragraph:

22 "'Hunt is going to be hard put to
23 explain this memo and other things be-
24 fore thw TV cameras at the HSCA hear-
25 ings.'

Carto - direct

2 "Do you know whether that also was based
3 on fact?

4 "A What page is that?

5 "Q Page 5 of the manuscript, the same para-
6 graph.

7 "A Well, I believe I would stand on my
8 previous answer in regard to our reliance on Mr.
9 Marchetti and his particular expertise, his integrity,
10 the standing he had, the authoritative nature of his
11 knowledge in this field.

12 "Q And in response to the question, 'Was
13 this based on opinion or based on fact'--to
14 the previous item--you said it was based on fact. Now,
15 what about this one?

16 "A Well, yes, I believe for the same reason
17 that this was based on fact.

18 "Q On the top of Page 6, the last sentence
19 of the opening paragraph:

20 "'E. Howard Hunt will be implicated in
21 the conspiracy and he will not dare to speak
22 out. The CIA will see to that.'

23 Was that statement based on Mr.
24 Marchetti's opinion or based on fact?

25 "A You will have to speak to Mr. Marchetti

1 Carto - direct

2 about that.

3 "Q__ Did you ask Mr. Marchetti when he sub-
4 mitted this manuscript, what do you base these state-
5 ments on that E. Howard Hunt will be implicated in the
6 conspiracy?

7 "A Yes.

8 "O What did he tell you?

9 "A His private, confidential sources in the
10 CIA.

11 "Q And did he tell you who those sources
12 were?

13 "A I'm not sure that he did at that time.
14 He did later.

15 "O And who are those sources?

16 "A I take a journalistic privilege on that
17 question.

18 "O. You refuse to answer that question?

19 "A Yes.

20. "Q All right. I am going to have to
21 certify that. Is that on advice of counsel?"

22 Counsel then concurred in that.

23 "Q Did Mr. Marchetti tell you the names of
24 all the sources that he had for this article either
25 before or after the publication thereof?

1 Carto - direct

2 "A I don't know.

3 "Q__ But he did tell you some sources?

4 "A Yes, sir.!

5 "Q And you refuse to divulge them to me
6 now? If I asked you what are the names of all the
7 sources that Mr. Marchetti divulged to you, what would
8 your answer be so that we don't have to go through that?

9 "A Well, my answer would be in all honesty
10 I don't remember. I don't know. I made no notes at
11 the time and I don't have that recollection.

12 "Q But you do have one or you wouldn't have
13 refused to tell me?

14 "A I have one what?

15 "Q Name of a source.

16 "A Oh, yes.

17 "Q Do you have any other names?

18 "A You mean--

19 "Q Other than the one source that he told
20 you.

21 "A I have none that I can recollect at this
22 time.

23 "Q Did he tell you the names of any sources
24 before publication of the article?

25 "A I don't recall.

25 "A No.

Carto - direct

1
2 "Q Is this just your interpretation of what
3 the article purports to do?

4 "A No, it's my analysis of the sequence of
5 events. Obviously according to Mr. Marchetti's very
6 firm information on which we questioned him at length
7 after we received your first letter and he substanti-
8 ated everything with a lot of detail, he believed then
9 and he still believes that this sort of plan was afoot.
10 And the fact that it did not happen is, in my opinion
11 I would assume that this would be the reason for it.
12 Because the whole thing was laid out in advance and the
13 CIA didn't do it.

14 "Q Why did you question Mr. Marchetti in
15 great detail and make him produce substantial proof
16 after the publication instead of before?

17 "A Well, as I believe I answered that ques-
18 tion, Mr. Rubin, Mr. Marchetti had written previously
19 for the Spotlight.

20 "Q And about Howard Hunt?

21 "A About the CIA, about the Kennedy assas-
22 sination. About a number of subjects. We have here,
23 I think, four articles that were written before this
24 one. We have not received any critical letters about
25 it. We had had no angry phone calls. We had had no

1 Carto - direct

2 occasion to believe from the standpoint that they were
3 incorrect. -- --

4 "Mr. Marchetti had written before for
5 many different magazines. He had written two books,
6 best selling books. He had written for the Nation
7 Magazine. He had written for Penthouse Magazine--cer-
8 tainly an establishment publication.

9 "He had written for other, a number of
10 other magazines. He had gone on speaking tours for the
11 American Civil Liberties Union, the ACLU. He had
12 helped raise money for the ACLU.

13 "He was a well known expert in his field
14 He knew--he was, what, the assistant research director
15 of--he had a very high position in the CIA. He knew
16 all the top men of the CIA who were still alive. He
17 had an expertise to be masked by no one.

18. "When he offered these articles, why,
19 we were happy to accept them based on his reputation
20 for integrity and knowledge and we felt that this gave
21 authority to them. And this is why--

22 "Q Regardless of what they said? Regard-
23 less of what they said, because of his integrity and
24 his knowledge of the CIA you were happy to print what
25 he gave you?

Carto - direct

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2 "A Mr. Rubin, you know as well as I do that
3 there is no taint of malice. There is no taint whatso-
4 ever of any possible libelous motive in this thing.
5 Libel isn't involved. We had no idea that this would
6 be--that this would be seized upon as an excuse for a
7 suit against us. And there was no thoughts, then or
8 now, that this is in the slightest way libelous to Mr.
9 Hunt.

10 "Q Mr. Carto, supposing the Washington
11 Post on the morning of August 14, 1978 ran a top head-
12 line, 'CIA to nail Carto for Kennedy killing.' Would
13 you think that would be derogatory to you in any way?

14 "Getting back to Page 6 of the manu-
15 script, a sub headline is printed in: 'Another agent
16 to dangle.' Who wrote that, sir?

17 "A I don't know.

18 "Q And why was it published?

19 "A I don't know.

20 "Q Page 7, the second paragraph starts:
21 'Who else will be identified.'

22 "A My copy doesn't have a Page 7. May I
23 see yours?

24 "Q Yes.

25 "A What's your question, please?

Carto - direct

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2 "Q The sentence, 'They all have been closely
3 allied with the anti-Castro Cubans, and'--

4 "That did not appear in the published
5 version. Do you know why not?

6 "A No, sir.

7 "Q Do you know who deleted it?

8 "A No, sir.

9 "Q Did you?

10 "A No, sir.

11 "Q Getting to Page 7 again, in the full
12 paragraph on the page, six lines from the bottom the
13 word 'with' is changed to 'without.' Do you know who
14 changed that?

15 "A No, sir. Are the red markings your
16 markings?

17 "Q Yes, they are my notes.

18 "A I see. Okay.

19 "Q On the last page of the manuscript where
20 it says: 'The committee plans to conclude its work by
21 early October, just a month before the elections.'

22 "Do you know when the committee did con-
23 clude its work?

24 "A No, sir.

25 "Q Was it before October?

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"Q Are there any fabrications contained in the Shed article of August 14, 1978 that you know

"A No, sir.

"Q Are there any products of Mr. Marchetti's
on, not based on fact, which are contained in
le of August 14, 1978?

"A None that I know of.

"Q Did you ask him these questions before
on?

"A Certainly.

"Q What else did you ask him and when?

That is before publication, of course.

"Let me ask you in some detail. When did you talk to Mr. Marchetti about the contents of this manuscript before publication?

"A I don't know.

"Q Was it several weeks before or days?

"A I don't know.

"Q Who would know that?

"A. Well, Mr. Marchetti I suppose or maybe he talked to Mr. Tucker first before we talked to him. I don't know.

"Q When you talked to him, were you

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1          Carto - direct
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2 curious about the contents?

3 "A_ Well, he, I'm sure--I'm quite sure what
4 happened is that he telephoned or wrote--in this case
5 telephoned, I believe, and proposed an article, this
6 article or perhaps he proposed more than one. I just
7 don't recall. And he described the article and would
8 have been questioned about the article and then would
9 have either--would have been asked to go ahead and
10 prepare the article after the fee had been agreed upon
11 and the deadline and a length had been established.

12 "Q And then once the manuscript was received
13 who would read it?

14 "A Well, I believe I answered that question.
15 It was obviously read by me because as you can see, I
16 made emendations on it, and also, of course, Mr. Tucker
17 And then it would have been read by a copy reader and
18 who that would have been I don't know at that time.
19 And then it would have been set in type.

20 "Q When you first read it, did it surprise
21 you, the contents?

22 "A Yes, I thought it was quite newsworthy.

23 "Q Had you ever read anything like that
24 before?

25 "A No."

1 Carto - direct

2 Your Honor, we will stop there.

3 -- THE COURT: Ladies and gentlemen, we
4 are going to let you be in recess until 1:30 with the
5 same instructions and admonishments that I gave to you.

6 I will make this inquiry. There was an
7 article in today's Herald about this particular case.

8 First of all, did anybody see it or read
9 it or pass over it, anybody read it or look at it or
10 know it was there?

11 Any other instructions or admonishments
12 at this time?

13 MR. McGRANE: Judge, I think it was on
14 the radio as well.

15 MR. RUBIN: It was on Channel 4 last
16 night.

17 THE COURT: Nobody has any outside
18 influence whatsoever? Fine.

19 [At 12:30 p.m., a luncheon
20 recess was taken.]

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1 AFTERNOON SESSION

2 [The trial reconvened at 2:00 p.m.]

3 [Jury not present.]

4 THE COURT: Bring the jury in. I will
5 explain that Mr. Rubin is before another Judge and we
6 are going to continue with the reading of the deposi-
7 tion.

8 MR. McGRANE: I will take over as the
9 witness.

10 THE COURT: All right, fine.

11 [The jury returned to the courtroom.]

12 THE COURT: Ladies and gentlemen of the
13 jury, we are going to continue on with the reading of
14 the deposition. However, our gentleman who was doing
15 the reading and Mr. Rubin have been scheduled for a
16 brief period before another Judge in this Courthouse
17 and I of course have cooperated and agreed for him to
18 be there.

19 In the meantime, all parties agree we
20 can continue with the reading before we left for lunch.
21 The only difference will be we have a different reader.

22 I believe we left off on Page 47, the
23 top of the page.

24 BY MR. YOUNG:

25 "Q Did you raise any questions--

1 Carto - direct

2 "Q All right.

3 "A__ Assets and bank accounts and so on and
4 so forth, oh, I don't know. I would say maybe \$500,000.
5 at the most.

6 "Q How many subscriptions do you have to
7 the Spotlight?

8 "A Wait just a minute. From that would
9 have to be deducted our accounts payable, which would
10 be at least \$100,000.

11 "I beg your pardon?

12 "Q How many subscriptions do you have for
13 the Spotlight?

14 "A Well, I can't answer that specifically
15 because it changes from day to day.

16 "Q I will take round figures.

17 "A 350,000 and more.

18 "Q And how much is each subscription?

19 "A Well, a subscription is \$22 a year.

20 "Q Do you give any away free?

21 "A Oh, yes.

22 "Q How many?

23 "A Perhaps a thousand copies a week.

24 "Q And this is a weekly publication?

25 "A Yes, sir.

1 Carto - direct

2 "Q And what does it cost you to put the
3 Spotlight out?

4 "A What costs would you care to include in
5 that?

6 "Q The whole thing from the \$22 times
7 300,000, how much does it cost you?

8 "A Well, you are talking about income?
9 \$22 times 300,000 is income?

10 "Q Right.

11 "A But what you asked what it costs us to
12 put it out.

13 "Q That you deduct from your income, don't
14 you? I'm talking about net, okay? What do you net?
15 What does Liberty Lobby, Incorporated net from putting
16 out the Spotlight?

17 "A Oh, nothing. It's non-profit. We have
18 no stockholders. We have no profit.

19 "Q I wasn't asking that. I was asking what
20 does Liberty Lobby net from the publication and circu-
21 lation and the selling of subscriptions to the Spotlight?

22 "A Well, I don't know. That's an impos-
23 sible question to answer. It has to be looked at in
24 the whole. We have--

25 "Q Don't you know how much your mailing is

1 Carto - direct

2 and printing and paper and salaries of people?

3 "A_ Well, yes, but you see for instance
4 would you include the salary of our chairman in that?

5 "Q Well, you are the treasurer, sir. Do
6 you know what is included?

7 "A No, I don't. No, I don't and the reason
8 is--

9 "Q Well, who would know that?

10 "A No one.

11 "Q Who could I depose?

12 "A There is no one.

13 "Q No one?

14 "A No. If you will give me a moment, I
15 will try to explain.

16 "Q Sure.

17 "A Because almost everyone in Liberty
18 Lobby devotes a portion of his time to the Spotlight
19 and some of the people devote all of their time to the
20 Spotlight. And it's extremely difficult to try to
21 separate them."

22 Then, your Honor, there was an inter-
23 action by Mr. Fleming Lee.

24 Actually we will go to Page 52, Line 19.

25 MR. LEE: Would you like for me to read

1 Carto - direct

2 the interruptions?

3 -- MR. McGRANE: They are not relevant.

4 BY MR. YOUNG:

5 "Q So you can't answer that question?

6 "A For the reasons given, Mr. Rubin.

7 "Q All right. Okay. I will be content with
8 that.

9 "Is the Spotlight incorporated at all?

10 "A No, sir.

11 "Q What kind of business entity is it?

12 "A It's an arm of Liberty Lobby. .

13 "Q So it would be a non-profit publication?

14 "A Yes, sir.

15 "Q All right. We will be pleased with the
16 written summary.

17 "Does the Spotlight make any money for
18 Liberty Lobby?

19 "A The Spotlight does not make any money
20 for Liberty Lobby. ..

21 "Q Then it costs over six million a year
22 to produce and distribute the Spotlight, is that right?

23 "Let's not waste time on that.

24 "In your affidavit, Paragraph 7 you
25 state that you believed that the statements made in the

1 Carto - direct

2 possibilities is: 'E. Howard Hunt will be implicated
3 in the conspiracy and he will dare not speak out. The
4 CIA will see to that.'

5 "What facts was that based on, or was it
6 completely Mr. Marchetti's integrity that you were
7 depending on?

8 "A That's right.

9 "Q All right. Did you do anything to check
10 out his integrity?

11 "A Mr. Marchetti's integrity?

12 "Q Yes.

13 "A Yes, well, yes, indeed.

14 "Q Well, what?

15 "A Before we printed the first article, we
16 ran a thorough check on him.

17 "Q Thorough? Who did you speak with?

18 "A Other CIA sources that we had.

19 "Q Like who?"

20 Then we went off the record and Mr.
21 Rubin got back on Line 16, Page 58. It says, "Let the
22 record reflect that Mr. Carto and his attorney left
23 the room to consult with my permission."

24 Then the answer comes on Line 23, "That'
25 all right. The sources were confidential, the

1 Carto - direct

2 information I was given was from trusted individuals
3 and I would respectfully decline to answer that ques-
4 tion.

5 "Q All right. We will certify that.

6 "A But let me go on. That certainly wasn't
7 the only source that we checked. I believe I have
8 listed numerous other avenues that we took to assert
9 Mr. Marchetti's credibility.

10 "Q Did you look at the injunction that had
11 been entered against him by the CIA?

12 "A I knew of it.

13 "Q Did you read it?

14 "A No, sir.

15 "Q Did that at all question Mr. Marchetti's
16 integrity, that he was accused by an agency of the
17 United States Government of violating his oath that he
18 took when he was hired as a CIA agent or don't you
19 interpret the injunction like that?

20 "A Under the circumstances, I don't think
21 I would interpret the injunction in that way.

22 "Q How did you interpret it, from what he
23 told you?

24 "A No, but I knew of it, of course, and
25 I realized that this was a highly political matter.

Carto - direct

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2 "Q In what way? What political side was
3 the CIA on? -- --

4 "A The CIA had its--by political, I don't
5 mean partisan. The CIA had its own interests to pro-
6 tect.

7 "Q Yes, the security of this country, isn't
8 that the interest that they said they had to protect?

9 "A Yes.

10 "Q And what was Mr. Marchetti's political
11 side?

12 "A He had a different opinion of that. I
13 believe his reasons are laid out very copiously in the
14 two books, The Rope Dancer and The CIA and the Cult
15 of Intelligence.

16 "When somebody violates an oath, do you
17 feel that that questions the person's integrity?"

18 Going on to Page 22, Line 6.

19 MR. McGRANE: Judge, this is the only
20 objection I think I will have in the deposition.

21 THE COURT: Let me see what it is.

22 All of the questions and answers and all
23 that pertains to anything relating to the subject
24 matter as appears on Line 22 on Page 60 and the objec-
25 tion is sustained.

Carto - direct

BY MR. YOUNG:

Going to Line 13, Page 62.

"Q But that was the purpose of the injunction. The injunction was that Mr. Marchetti published some secrets that he had acquired while with the CIA, forcing the CIA to get a court injunction against him doing that.

"Did you ever inspect it before accepting Mr. Marchetti's manuscript?

"Okay, let's go on.

"At the last sentence of Paragraph 8 of your affidavit, it reads as follows: 'I had no doubts about the truthfulness of the statements contained in the article.'

"How can future possibilities be true or false? Mr. Marchetti made many predictions of things that never came true. You say that you had no doubt about the truthfulness of those at the time you published this.

"Do you want to instruct him not to answer?"

Your Honor, that was in response to Mr. Lee's objection.

MR. LEE: I said the affidavit speaks

Carto - direct

1
2 for itself.

3 BY MR. YOUNG: -

4 "Q How can a prediction of something that
5 hasn't happened yet be true or false?

6 "A I think you are misreading that, Mr.
7 Rubin.

8 "Q I must be.

9 "A What that affidavit is trying to say,
10 and I apologize if it isn't clear to you, is that based
11 on the facts which Mr. Marchetti alleged, it raised a
12 reasonable possibility of certain events transpiring.

6R 13 "Q And did it raise the possibility of the
14 worst possible scenario for Mr. Hunt?

15 "A That's a value judgment I'm not capable
16 of making. 16

17 "Q Did you make it at the time this manu-
18 script was submitted to you?

19 "A As I say, I can't make--what the worst
20 possible thing that could happen to Mr. Hunt could
21 probably be answered better by Mr. Hunt.

22 "Q Yes. All right. Did you consider, when
23 you read the manuscript before publishing what the
24 effect on Mr. Hunt was going to be, if any? Did that
25 play a part in any of your considerations whether to

3 "A__ At the time the manuscript was discussed
4 before it had been written, I remember having the feel-
5 ing that if these possibilities would be exposed to the
6 light of day, why, they probably would help Mr. Hunt.
7 I had no reason to be at odds with Mr. Hunt. So as far
8 as I knew, he and I both share a similar viewpoint in
9 our love of America, our concern for the national
10 security of the United States, our belief that the CIA
11 was an important instrumentality of the United States
12 in carrying out our policy.

18 "Q If you felt that it might possibly help
19 him, why did you not send him a copy of the article
20 before it was published for his comments?

23 "Q Is that why you didn't send it, you
24 thought of sending it to him but you couldn't find his
25 address?

Carto - direct

2 "A Even if I had, I would not know of how
3 to reach him. There were many, many other things to be
4 considered at that time both in the Spotlight and
5 otherwise. I didn't--

6 "Q Tell us what the considerations were
7 that compelled you to notify Mr. Hunt at all before
8 the article was published.

9 "A I never gave it any consideration because
10 I knew that I couldn't--there was no way I could pos-
11 sibly get in touch with him. I had no idea he was
12 living in Florida, none whatsoever.

13 "Q But you asked somebody to check into
14 the lawsuit that was mentioned in the article; did you
15 not?

16 "A Yes.

17 "Q And that was Mr. Tucker?

18 "A I believe he's the one that did it.
19 Now, he may have detailed it to someone else.

20 "Q You don't know if he detailed it to you?

21 "A Pardon?

22 "Q You don't know if he detailed it to you
23 or not?

24 "A No, I'm the one that asked Mr. Tucker
25 to check on it. He could probably turn around and

1 Carto - direct

2 detail it to me.

3 "Q__ Why not? After checking it out, didn't
4 he report back to you whether it was confirmed or not,
5 the allegation?

6 "A That's not what you said. You said he
7 would detail it to me to check it out.

8 "Q No, detail the answers to you of his
9 inquiry. That's what I meant.

10 "A That's correct.

11 "Q Did he?

12 "A I'm certain he must have. I have no
13 recollection of it.

14 "Q Well, wouldn't that reveal then where
15 Mr. Hunt lived?

16 "A Of course not.

17 "Q You mean if he checked out the filing,
18 it wouldn't reveal--

19 "A What file?

20 "Q Of the lawsuit that you asked him to
21 check out.

22 "A I am not--I don't--I am not aware that
23 he checked out the lawsuit per se.

24 "Q Do you know how he confirmed the
25 allegation in this story?

1 Carto - direct

2 "A No, sir.

3 "Q-- All right. We will ask him.

4 "Now, Paragraph 8 of your affidavit,
5 you recite that: 'Mr. Marchetti was a reliable, well
6 known author and he had a broad and deep knowledge of
7 intelligence matters and the CIA, CIA personnel and
8 CIA methods.'

9 "Did he have--or did you ask him if he
10 had--the same kind of information concerning the FBI
11 and the House Special Committee on Assassinations?

12 "A I don't recall.

13 "Q Did you ask him where he got the infor-
14 mation he was using in the article from the House
15 Select Committee or Special Committee on Assassinations,
16 did you ask him who was his source on that committee?

17 "A I don't recall. 17

18 "Q We covered sources from the CIA. Now
19 I am asking you about the House Committee.

20 "If Mr. Marchetti revealed to you the
21 sources, you do not recall it?

22 "A That's correct.

23 "Q All right. Do you remember whether or
24 not he did reveal that source?

25 "A I don't remember.

Carto - direct

2 "Q How about from the FBI? Did he reveal
3 who his source was from the FBI?

4 "A No. I mean not that I remember.

5 "Q Did the fact that Mr. Marchetti was
6 involved in litigation back and forth with the CIA, did
7 that raise in your mind any possible bias or prejudice
8 that he might have held against the CIA?

9 "A Well, Mr. Rubin, you say the CIA. I
10 don't know if there is any in the CIA or not. The CIA
11 is composed, as you well know, of many different groups
12 of individuals and what their attitudes may be at one
13 time or another is rather impossible to determine.

14 "Q" All right. Let me ask you then at the
15 bottom of Page 2, Paragraph 9 of your affidavit, what
16 did you mean by the CIA when you said: 'I knew that
17 Marchetti and the CIA had been involved in legal actions
18 against one another.' Who were you talking about?

19 "A I was talking about the legal actions
20 Mr. Marchetti was engaged in.

21 "Q Against who?

22 "A Where he was, I believe, a defendant in
23 a CIA action.

24 "Q All right. And who was the plaintiff?

25 "A The CIA.

1 Carto - direct

2 "Q Okay. Is that the CIA we are both talk-
3 ing about then?

4 "A No. Not the CIA I am talking about.

5 "Q Okay. What CIA were you talking about
6 in your affidavit?

7 "A In that particular? I was talking about
8 whoever it is that issued the orders to the legal
9 division of the CIA to file suit.

10 "Q Did that give rise to any suspicion on
11 your part that Mr. Marchetti might have been prejudiced
12 against the CIA in the manuscript that he submitted to
13 you?

14 "A Well, he certainly was at odds with
15 certain groups within the CIA, but by the same token he
16 had and I assume he still has friends among other groups
17 within the CIA.

18 "Q That didn't make you question anything
19 he wrote about the CIA then?

20 "A Oh, absolutely.

21 "Q It did or it did not?

22 "A It did.

23 "Q And did you question him on what he
24 wrote?

25 "A Well, you can see I did question on the

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1          Carto - direct
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2 manuscript.

3 "Q__ All_ right. Did Mr. Marchetti tell you
4 before publication that one of the sources that he was
5 using for this manuscript was a newspaper published in
6 New York called The Yipster Times?

7 "A No.

8 "Q Did you find that out later?

9 "A I don't think he ever mentioned that.
10 He did mention that, at some point--and I think this
11 was after the article--that there was--well, no, in the
12 article--that there was a lawsuit with this W. A.
13 Weberman who maybe whom you are referring to.

14 "Q Yes, sir, the publisher of The Yipster
15 Times.

16 "A Uh-huh. Mr. Rubin, if I may interject
17 something right here.

18 "Q All right.

19 "A Liberty Lobby has been one of the victims
20 of The Yipster Times. They have published our tele-
21 phone number along with the telephone numbers of dozens
22 and dozens of other groups, including the biggest
23 corporations, the biggest business corporations in the
24 United States, urging their people to telephone us at
25 our expense and to use our number to make telephone

Carto - direct

2 calls.

3 -- "They have referred to us in terms
4 hardly of endearment, which I think underlines what I
5 previously said, that we were mortified at your decision
6 to file this lawsuit without any effort at all to get
7 us to publish any sort of a retraction--or a clarifying
8 story, let me say--not a retraction.

9 "Q You have already answered that the
10 report of the House Committee called for no correction
11 in the Spotlight of this article which predicted what
12 the committee would do and they didn't do.

13 "A Well, what I said, sir, was that we gave
14 you--we urged you or Mr. Hunt to write an article or
15 to have an interview, I believe it was, which we could
16 have conducted by telephone as far as that goes in
17 regard to this matter. You showed no interest in it
18 whatsoever. As far as we know, the whole thing was
19 dead. It died at least twice. And so, it was one of
20 the most surprising things I have encountered to find
21 out that for some reason it's still alive.

22 "Q I predict it will get more surprising
23 as time goes by.

24 "Let me ask you your present state of
25 mind, Mr. Carto. Now that you know nothing in the

1 Carto - direct

2 "Q Did you ask him if he had any before
3 publication?__

4 "A Did I ask who?

5 "Q Victor Marchetti.

6 "A No.

7 "Q Reading the article today of August 14,
8 1978 and knowing that the predictions did not come true,
9 do you feel that Mr. Marchetti fabricated any of the
10 story?

11 "Was there anything in the article
12 which is a product of Mr. Marchetti's imagination?"

13 Your Honor, there is an objection to
14 which Mr. Rubin responds, "Are you instructing him not
15 to answer?"

16 "Well, let's ask that question. Did you
17 understand it? 17 understand it?

18 "A Absolutely not.

19 "Q All right. That's your answer?

20 "A I have not discovered anything at all
21 that would lead me to believe that anything has been
22 fabricated in this article.

23 "Q All right. Or the product of his
24 imagination? Which would be the same thing.

25 "A Same thing.

1 Carto - direct

2 "A We must have some sort of strong reason
3 for believing-that-it's true. If there is anything
4 devious at all about a story, we do one of two things.
5 Either we don't run it or we check it out.

6 "Obviously our operating procedure is
7 far different when it comes to the author. If it's an
8 author we don't know, if somebody sends in an article
9 like we get them in all the time from people we don't
10 know with some sort of sensational story in it, why, we
11 usually just send it right back. We don't even con-
12 sider it.

13 "It depends on the author. And of course
14 it depends on whether or not it's our own story. If
15 we conceive a story and go after it, why, then we check
16 it out every way that we can.

17 "If it's a known author such as Mr.
18 Marchetti's article we don't feel the same necessity
19 to check out every detail.

20 "It depends entirely on who the author
21 is and the circumstances by which we acquire the story.

22 "Q Then there is no need for me to go
23 through every sentence of the article and say, 'Who did
24 you check to verify this?' You depended entirely on
25 Mr. Marchetti?

Carto - direct

2 "A I believe we did go through the entire
3 article sentence by sentence already in this deposition.

4 "Q Oh, no. I certainly haven't. It is a
5 long article. I didn't go through every sentence.

6 "A Well, Mr. Rubin, let me prompt your
7 recollection. We went through the entire manuscript
8 sentence by sentence, just a few minutes ago and you
9 asked me a number of questions."

10 "Q But I didn't ask you who was your source
11 for that sentence.

12 "A Well, obviously if, Mr. Rubin--"

13 MR. McGRANE: I will withdraw that part
14 of the answer. It wouldn't be proper. Do you agree?

15 MR. YOUNG: Yes.

16 "A I have nothing to say about the article.
17 I have told you all about it.

18 "Q If I went through the article sentence
19 by sentence and asked you who is the source for that
20 sentence, who did you check out for that sentence being
21 true and correct, would your answers be, 'I depended on
22 Mr. Marchetti?'

23 "A That would be part of it. I would also
24 raise the simple issue of the preposterous nature of
25 such a suggestion.

1 Carto - direct

2 "We are trying to get out a newspaper.
3 No newspaper_in the world ever checks every sentence.
4 They have to rely on their sources.

5 "Q Were there any more standards that you
6 wanted to list as to how the Spotlight receives an
7 article, checks it out and then publishes it? You told
8 us that it had to be true.

9 "A Well, yes. And another thing too, it
10 has to be of interest to our readers, or at least we
11 have to form a judgment of that.

12 "If we figure that it's of interest to
13 fifty percent or more of our readers, then it would
14 qualify on that.

15 "If it's a local story, a story that
16 just involves a local story, then we reject it regard-
17 less of how true it is unless it would have some
18 national impact.

19 "Q Does this story have national impact?

20 "A And then also of course it depends on
21 who the author is. If the author himself or herself
22 has name value, that in itself was a big criteria when
23 we were considering this article. If this article
24 would have been presented by someone we didn't know,
25 we never would have printed it nor would we have ever

1 Carto - direct

2 researched an article ourselves to write it.

3 "But when Mr. Marchetti proposed it,
4 verified it and supplied the background details that
5 we needed in order to make a decision, we felt that his
6 name was about fifty percent of the story frankly.

7 "Q All right.

8 "A If not more.

9 "Q Were you faced with a deadline--haste--
10 in publishing this?

11 "A I frankly don't recall when this article
12 came in and what relation that brought to the deadline,
13 Mr. Rubin. I can't say that. We may have had the
14 article sitting around for weeks before we used it.

15 "I know some of these articles here,
16 Mr. Marchetti was paid for before they were printed.
17 Which means that we had them in the pipe line and we
18 had so many other things that we decided to postpone
19 them.

20 "Q Well, who made the decision on when to
21 use this article we are talking about? Was that you
22 or Mr. Tucker?

23 "A I really don't recall it. It probably
24 was Mr. Tucker since he has all these day-to-day
25 decisions to make in regard to what articles are used.

1 Carto - direct

2 "Q When you read the manuscript, did you
3 think that it posed some kind of a danger to the reputa-
4 tion of Howard Hunt?

5 "I have asked that in another way but
6 I want to ask it plain and simple this time.

7 "A No.

8 "Q All right. At the time this article was
9 submitted to you by Mr. Marchetti, were you familiar
10 with the results of the Rockefeller Commission that
11 investigated the assassintation of President Kennedy?
12 The report was published in 1975.

13 "A As I say, Mr. Rubin, there has been so
14 much on this assassination, so many different people
15 have gotten involved, so much matter which is obviously
16 false and distorted and twisted and twitchered has been
17 brought out and there is so many people have been named
18 and all that sort of thing that I really don't recall.

19 "Q Did you feel that there was anything in
20 the article which was inherently implausible?

21 "A No.

22 "Q Did you feel when you first saw the
23 manuscript based on so many stories having come out,
24 that this story or any part of it was highly improbable?

25 "A No.

Carto - direct

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"Q When this story came in from Mr.

Marchetti, did you have any files which contained
information on Howard Hunt?

"A I don't know. I would say I suppose we
probably did.

"Q Did you check those files before pub-
lishing the article?

"A Well, as I say, Mr. Rubin, you asked me
when we started out and I was in a general way aware of
Mr. Hunt's involvement in this and putting the accusa-
tions of homicide leveled against him and the whole
extremely mysterious background to everything. So I
suppose all this is in the file somewhere.

"Q Did you look at that file before accept-
ing this manuscript?

"A No.

"Q Did you or Mr. Tucker as far as you
know--and I can ask him, but did you or Mr. Tucker talk
to anyone involved in this article?

"A Like who?

"Q Any person who is named in the article,
Weberman, Canfield, anyone from the CIA, anyone from
the FBI, anyone from the House Committee.

"A Well, all right, I really don't, Mr.

1 Carto - direct

2 "Q Did you ask Mr. Marchetti for it?

3 "A I don't recall. How was my impression
4 was from the story that there is no--he doesn't say
5 that he has a copy of the memo. He certainly implies
6 that he has seen the memo. So I wouldn't--I couldn't
7 answer that.

8 "Q Did you ask him if he saw the memo?

9 "A Oh, yes.

10 "Q What did he say?

11 "A Yes.

12 "Q Did you ask him under what circumstances
13 where, when, how he happened to be shown it?

14 "A I don't recall as I say all the details.

15 "Q But this was after publication?

16 "A After publication.

17 "Q Did you ask him before publication?

18 "A If he had seen the memo?

19 "Q Yes.

20 "A Yes.

21 "Q What did he say?

22 "A I may have simply asked him to verify
23 the memo. When he is talking about the memo it's sort
24 of redundant to ask him if he has seen the memo.
25 Obviously he's seen the memo because he's writing about

Carto - direct

1
2 the memo. What is to the point are his sources.
3 That's what we were interested in.

4 "Q You asked him to verify the memo?

5 "A We asked him about his sources, yes, sir.

6 "Q Before the publication? You didn't say
7 that before I don't think. Well, I just want to make
8 sure that I wasn't misunderstanding anything.

9 "Did you ask Mr. Marchetti to verfiy the
10 memo before publication."

11 I am going now to Line 12.

12 "Q Do you want to rely on your answer
13 before or do you want clarify anything?

14 "A No, sir.

15 "Q Did you ever have any meetings with
16 Mr. Lee or any other attorney before publishing this
17 article as to whether or not it would be safe to pub-
18 lish it?

19 "A No.

20 "Q Did you ever have any meetings with
21 your attorney before publishing this article going
22 over generally faults to look out for as a publisher?

23 "A In regard to this particular article?

24 "Q No, in regard to your obligations to
25 the public as a publisher. You know, keeping you

1 Carto - direct

2 abreast of the latest trends of the law of libel.

3 "A__ Now, your question is did I ever have
4 a conference with Mr. Lee or another attorney in
5 regards to the type of thing to look out for?

6 "Q Exactly.

7 "A As far as contents in the Spotlight is
8 concerned?

9 "Q Yes.

10 "A Well, yes, of course.

11 "Q When was the time before this article
12 was printed?

13 "A Oh, I have no idea.

14 "Q Was it in the same year, 1978?

15 "A Oh, this I suppose would go to before--
16 I mean to the founding of the Spotlight and before.

17 "Q All right. Then you depend on your
18 attorney to advise you so that you won't get into law-
19 suits?"

20 I will withdraw that question.

21 "Q The fact that in the story itself, Mr.
22 Marchetti wrote that Mr. Hunt had sued somebody else
23 for seven millions of dollars over the same subject
24 matter, the Kennedy assassination and Mr. Hunt's
25 possible involvement, is that what caused you to send

1 Carto - direct

2 Mr. Tucker or somebody to confirm the lawsuit.

3 "A__ I believe I have answered that question
4 before, Mr. Rubin. I believe I at the time was not
5 aware of this lawsuit and so I wanted to find out about
6 it. I don't know if there was any substantive reason
7 related to the content of the two--the Weberman suit
8 and this story.

9 "Q Did it raise in your mind some question
10 about Howard Hunt suing people who accused him of being
11 involved in the Kennedy murder?

12 "A Well, no, because we weren't making any
13 such accusations.

14 "Q You read the article to mean that the
15 Spotlight was not accusing Howard Hunt of being involved
16 in the conspiracy to murder Jack Kennedy?

17 "A That is precisely the way I read the
18 article.

19 "Q Then if the article is false then it is
20 false and then you don't consider it to be defamatory?"

21 MR. LEE: There is an objection.

22 MR. YOUNG: We will go to Line 7.

23 "Q As a publisher, what is your definition
24 of defamatory?

25 "A Well, Mr. Rubin, if it's false--now,

1 Carto - direct

2 obviously the article is false in the sense that the
3 CIA did not try to pin it on Mr. Hunt.

4 "As I say: I really do believe that we
5 can take credit for that. That's my opinion. I really
6 believe it and I think we should send our bill to Mr.
7 Hunt for that.

8 "Now, as far as what are my criteria as
9 far as defamation?"

10 MR. LEE: There was an interruption.

11 MR. YOUNG: Going on to Line 2.

12 "Q Did Mr. Marchetti before publication say
13 that he wrote this article because he thought it was a
14 great contribution to the truth that the publisher
15 should know or that he needed the money.

16 "A I don't think he said either one.

17 "Q What did he say as to the reason for
18 bringing the Spotlight this article instead of Penthouse
19 or some other publication that he had written before?

20 "A I can't recall. It's quite a long time
21 ago.

22 "Q You don't know?

23 "A No, sir.

24 "Q Okay. Affirmative Defense No. 2 says
25 that the article is true, which is a defense. What

1 Carto - direct

2 witnesses or evidence do you intend to present at the
3 trial in support of that statement?

4 "A You will have to talk to our attorney
5 on that, Mr. Rubin.

6 "Q You don't know?

7 "A No, sir.

8 "Q All right. Before publishing this
9 article, were you having any trouble with William
10 Buckley and the National Review, disagreements or even
11 lawsuits?"

12 Let's go to Line 10.

13 "Q Did you know that Mr. Buckley and Howard
14 Hunt served in the CIA together?

15 "A Yes.

16 "Q When did you learn that?

17 "A Years ago.

18 "Q Before publishing this article, right?

19 "A Well, I suppose.

20 "Q Did this play any part in your publish-
21 ing this article?

22 "A No.

23 "Q Did Mr. Marchetti's controversies and
24 lawsuits with the CIA have any part in publishing this
25 article?

Carto - direct

2 "A Oh, no, except that this is what gave
3 him certain popularity.

4 "Q Who?

5 "A Mr. Marchetti.

6 "Q You mean his controversy with the CIA
7 gave him popularity?

8 "A Yes, sir, his name was publicly known
9 because of this reason, and this is why he wrote this
10 book, et cetera. And so, to that extent, you might
11 say that that contributed to our acceptance of the
12 article, the fact that he was known and is.

13 "Q You don't try to mislead your readers?

14 "A. No, sir.

15 "Q And you correct all the errors that
16 may appear? 16

17 "A All the errors that are brought to our
18 attention except minor typographical errors, yes, sir.

19 "Q Have you ever characterized the CIA as
20 being totally subject to the foreign policy of a foreign
21 government?

22 "A No.

23 "Q Have you ever described the CIA as
24 being totally subject to the policy of the New York
25 Times and the entire State Department?

1 Carto - direct

2 "A Oh, no.

3 "Q_ I think that's all I have."

4 MR. RUBIN: Your Honor, please accept
5 my apologies for being in another court.

6 THE COURT: That's all right.

7 MR. RUBIN: The next witness is going to
8 be Mr. Tucker who is the managing editor.

9 May I notify the Court and jury that we
10 are reading the depositions in the order they were
11 taken. Mr. Carto was first and then Mr. Tucker in that
12 order.

13 The deposition of

14 JAMES P. TUCKER, JR.

15 was read as follows:

16 DIRECT EXAMINATION

17 BY MR. RUBIN:

18 "Q State your name and address for the
19 record, please.

20 "A James P. Tucker, Jr. I am a resident of
21 Virginia.

22 "Q You want to tell us where?

23 "A May I have a moment with counsel?

24 "Q Yes.

25 "A A small farm in a rural part of

Tucker - direct

1
2 Virginia.

3 "Q When did you go to work for Liberty
4 Lobby?

5 "A May 19, 1975.

6 "Q Where did you work before that?

7 "A Akron Beacon-Journal.

8 "Q Have you been in journalism most of your
9 adult life?

10 "A All of my adult life.

11 "Q Where did you go to school?

12 "A In Smatches. Mount Vernon College for
13 Women, Washington International College, and LaSalle
14 extension courses.

15 "Q Did you ever go to a school of journal-
16 ism?

17 "A No, sir, they were not recommended at
18 the time except for high school journalism.

19 "Q What time was that?

20 "A I graduated from high school in 1953
21 with a burning desire to be a newspaperman. Working
22 at that time for a weekly newspaper that was edited by
23 a former Knight editor of the Chicago Journal and also
24 other people in the field demeaned journalism schools
25 so much, that they said it's best to go right into

Tucker - direct

1
2 business or some other field of education rather than
3 have to unlearn what was then being taught.

4 "Q How did you happen to come to work for
5 Liberty Lobby and where did you come from when you
6 first worked for Liberty Lobby?

7 "A I was with the Akron Beacon-Journal at
8 the time in the position of assistant news editor. I
9 was bored silly on that job and wanted to come back to
10 Washington so I resumed the area, about 300 resumes,
11 got about four interviews and was interviewed at Liberty
12 Lobby and sounded like a lot of fun. At that time I
13 was told they planned to start a newspaper and my job
14 would be to get pregnant and give birth to the paper.
15 Sounded like a lot of fun so we came to terms and I
16 came to work.

17 "Q And have you worked there ever since?

18 "A Yes, sir.

19 "Q What is your capacity there today?

20 "A Managing editor.

21 "Q What are your duties as managing editor?

22 "A I am responsible for the day-to-day
23 news functions, day-to-day operations of the news
24 department of the Spotlight.

25 "Q Have you ever established a standards

1 Tucker - direct

2 or rules for reporters or people submitting copy to the
3 newspaper as to what they should do?

4 "A Yes, sir. I started establishing those
5 twenty-five years ago. There are many standards.

6 "Q Do you have them in writing?

7 "A No, sir. It's a body of common law that
8 in most newspapers you grow up with you learn at your
9 mother's knee, you pass it on. It's a body of common
10 law type of questions that are raised, challenges that
11 are made to stories.

12 "Q Now, who do you tell this to?

13 "A A reporter does not learn them--a young
14 reporter--in one sitting. He learns it by experience.
15 Every time he turns in a police story, you challenge
16 everything. You presume he's prejudiced. You challenge
17 everything that you possibly can, make him satisfy you
18 on everything, on how many people he checked with, who
19 and so forth.

20 "Q Did you do that with Victor Marchetti
21 on this story?

22 "A Oh, yes, indeed. It would be as routine
23 as taking a bath.

24 "Q Now, how many employees do you supervise?

25 "A It's an unusual situation in this

1 Tucker - direct

2 technical age since I supervise our composing room,
3 too, because of the new intimacy that technology has
4 brought between production and the news department.
5 Let me count desks. It would be about ten on the staff
6 itself and of course I deal with free-lancers such as
7 Mr. Marchetti and others.

8 "Q How many free-lancers are there?

9 "A There are five that we rely on consis-
10 tently and constantly. Then there is more infrequent
11 contributors. Six now that we have gone into a TV
12 commentary.

13 "Q Do you have anything to do with the
14 radio and TV scripts?

15 "A There are times when my own staff has
16 contributed to writing the scripts. Ultimately we all
17 view ourselves as working for Liberty Lobby. The
18 Spotlight is my specialty.

19 "Q Let's get to August 14, 1978's issue of
20 the Spotlight. Do you have it before you?

21 "A Yes, sir.

22 "Q Have you read it recently?

23 "A A few moments ago.

24 "Q Do you have a copy of that manuscript?

25 When was the first time that you saw that, Mr. Tucker?

1 Tucker - direct

2 "A My best recollection would be a few days
3 before it was published.

4 "Q A few days? All right. And do you know
5 how it came to be submitted at all?

6 "A There was discussions in advance of it,
7 discussions involved Mr. Carto, myself, Mr. Marchetti--
8 not necessarily the three of us together. Mr. Marchetti
9 talking to Mr. Carto and Mr. Carto talking to me, me
10 calling him back. There were many, many discussions.

11 "Q Were you rather excited about this
12 story?

13 "A Nervous and excited. I am always nervous
14 about a story.

15 "Q What is Mr. Carto's function concerning
16 the Spotlight?

17 "A I look upon him as the publisher. Of
18 course it's published by Liberty Lobby but he is my
19 superior and the most analogous role would be that of
20 a publisher on a daily newspaper and I as the managing
21 editor.

22 "Q Do you know whether or not he saw that
23 manuscript before you did or after, or at the same time?

24 "A I'm not sure. We either saw it the same
25 day, probably the same hour. Who was first and who was

1 Tucker - direct

2 second I really don't recall.

3 "Q Now, he wrote some things on the manu-
4 script in his handwriting. Do you know whether you
5 wrote your things before he did or vice versa?

6 "A I really don't know. It would normally
7 routinely go through his hands and mine, and it often
8 works either way. He may be tied up and I will read it
9 first and send it on to him. Sometimes it is the
10 reverse of that.

11 "Q The title on the manuscript is different
12 than the headline that appeared in the published paper.
13 Who made that change?

14 "A Oh, I probably did. In fact I always do.
15 It is mechanical. The trade calls it counting. This
16 may not fit, it may just stop right there or have to be
17 such tiny type that it would--we are speaking of typo-
18 graphical problems.

19 "In fact, on daily newspapers we would
20 put a one word slug on here. Free-lancers have a
21 tendency to have a headline idea and bat it out, but
22 it's more story identification than it is--I can't
23 think of a time that I actually literally picked up the
24 suggested headline and used it in the paper for reasons
25 of topography.

Tucker - direct

1
2 "Q Getting to the published version Page 1
3 of the paper--

4 "A A front page?

5 "Q Front page, yes. Who made up the word-
6 ing for that headline?

7 "A I can say with ninety-nine percent
8 certainty that I did.

9 "Q And who decided the location on the
10 front page?

11 "A With the same certainty, me.

12 "Q Can I ask you why you used those words
13 and why you chose that position?

14 "A Well, I didn't think it was as important
15 as the banker's story below. I probably rated this the
16 second strongest story. It's a makeup technique that
17 you can get them both above the fold.

18 "Now, I considered it a flareful thing--
19 not to say that Hunt killed Kennedy but to say that the
20 CIA is going to finger him or the CIA to nail hunt for
21 Kennedy assassination or killing, or to finger him--
22 my own construction of it is to blame, being synonymous
23 with to blame Hunt for it. Something of that nature.

24 "Q In effect, isn't that what the Spotlight
25 was doing by the use of the headline?

1 Tucker - direct

2 "A Shall I answer the question?

3 "Q__ Did you talk to anybody after this
4 article was published as to what they got out of that
5 headline on the front page?

6 "A That's an interesting question. We
7 often do that and all newspapers do. And you don't
8 show the guy the story, don't let him know anything
9 about it. What does that tell you? That if somebody
10 said to me, "Well, the Spotlight is saying Hunt killed
11 Kennedy and I would say, 'Kill that headline.' Even
12 if I could defend it in a semantic argument we are
13 still putting the paper out for Miss Mergatroid in
14 Timbuktu and her first reaction to the headline we want
15 to be accurate. So in my mind and since I do it so
16 often, I think that I probably tried it--as the paper
17 comes together, we reset headlines at the last minute.

18 "Well, the story is published once we
19 pull two-page proofs, one for me and one to be circu-
20 lated. And at that point in fact we tried to build
21 in safeguards all the way down the line. If the people
22 who read these page proofs said, 'The Spotlight is
23 accusing Hunt of Killing Kennedy,' we would have made
24 an immediate change, up until the last minute.

25 "Q Did you get any response to the headline

1 Tucker - direct

2 after it was circulated, letters or comments by anybody?

3 "A I don't recall any specific trend of the
4 mail afterwards. We get sacksful of mail every day.
5 I recall nothing and I would if there had been a
6 significant trend because I do have the mail monitored
7 pretty closely.

8 "Q What was your purpose in using that
9 headline? Was it to attract the reader of the article?

10 "A Well, all headlines are for that purpose
11 but also to try to summarize in a few short words the
12 content of the story.

13 "Q Now, let's open up the article to Pages
14 4 and 5. Did you compose the headline on those two
15 pages?

16 "A I do not know for sure because I am not
17 the only one who writes headlines. There is one other
18 person on our desk that does. Nevertheless, I am
19 responsible for it because I would have approved the
20 headline and blessed it. Now, that term 'admit' is
21 in single quotes. That's the newspaper's way of saying
22 the quote marks are to suggest that the term 'admit'
23 is used advisedly.

24 "Q Did we get all of those standards that
25 you were reciting before?

1 Tucker - direct

2 "A Yes, obviously it must pass our fifty
3 percent reader test, the test of truthfulness and our
4 absolute conviction that the story is true. We
5 achieved that through numerous conversations with the
6 author and of course we give his pedigree here so the
7 reader can always judge the credibility of the man,
8 indicating Page 5. That's what we call the pedigree
9 box. We do the same if someone is writing on economics
10 in the financial section. If he's got a specific
11 qualification to address the bond market, et ceter--

12 "Q Who chose the pictures to be used?

13 "A I probably did although there could be
14 some involvement of several people there.

15 "Q And who wrote the captions under the
16 pictures?

17 "A Very likely me but not 100 percent.

18 "Q Do you have any notes that you kept
19 about this article at all?

20 "A I had for a period of time notes on
21 conversations with Victor but probably within a few
22 months afterwards I would have thrown them away.

23 "Q Why did you do that?

24 "A Because if I kept all such notes, we
25 would have to rent a warehouse to store them in.

1 Tucker - direct

2 "Q Were you aware that within two weeks
3 after this article was published that I had asked for
4 a retraction and had said that we were going to bring
5 suit if we didn't get it?

6 "A I had no awareness within two weeks, no,
7 sir.

8 "Q Did Mr. Carto mention it to you?

9 "A I cannot really recall when the issue
10 of litigation in the Hunt story came up.

11 "Q Did you become aware--well, when did you
12 become aware that there was possible litigation over
13 this story?

14 "A I'm searching my mind. I didn't think
15 we had a serious problem until quite some time after
16 the story had appeared.

17 "Q The letter stating this, demanding the
18 retraction saying that suit was to be filed was
19 addressed to the editor and publisher of The Spotlight
20 Magazine. You didn't get it?

21 "A May I see?

22 "Q Yes, this is Plaintiff's Exhibit No. 1.

23 "A Well, just the editor and publisher, it
24 would quite likely go straight to our general counsel
25 or straight to Mr. Carto. I do not open all of my own

1 Tucker - direct

2 mail. Otherwise hours would be taken up for matters
3 that deal with circulation and advertising, not in the
4 editor's domain.

5 "Q Do you recall being contacted by Mr.
6 Lee before he responded to this letter, his response
7 being dated August 25, 1978?

8 "A He may have talked to me about it in
9 preparing the response. I don't have a positive
10 recollection.

11 "Q Did you use the notes that you had made
12 of Mr. Marchetti's conversations with you to prepare
13 the answer?

14 "A No, by that time it would have been my
15 memory. I do not recall a situation where Mr. Lee
16 came down and asked me questions and I reached in my
17 desk drawer and pulled out a yellow pad full of notes
18 to respond. It would have been from my recollection.

19 "Q Well, what did those deal with?

20 "A Well, I would go over the story, make
21 a few notes of things that worried me about it and
22 then call up and say, 'Are we solid on this,'--perhaps
23 the memo. And my recollection of the response being
24 to this effect: It was shown to me. I was allowed to
25 stand there and read it and give it back. I was not

Tucker - direct

1
2 allowed to copy it. The source would be fired if his
3 name was identified. I promised it would never pass
4 my lips. I believe I recall several conversations
5 about that. That's why I say we had the copy for a
6 few days at least, if not weeks, before we carried it
7 in the paper. It may have been around for a while.
8 I just don't recall.

9 "Q Did it appear to be a hot item that you
10 wanted to get published as soon as you could?

11 "A Not hot as in say, let's get it in next
12 week for the sake of getting it in next week. But I
13 believe there was a time element. We are talking about
14 an early August 14th dateline.. So August 14th would
15 have gone to press--with a calendar for that year I
16 could be precise--we go to press Wednesday night, the
17 date is pitched forward to a week from the following
18 Monday.

19 "Now, we would be conscious of the fact
20 that of course this dateline of August and we say that
21 later in the month the House is going to hold hearings.
22 So we can't write the story after they already do it
23 because then it's no story at all if we do it before
24 they do it it might prevent them from doing it and be
25 a service to Mr. Hunt that way. There was a time

1 Tucker - direct

2 factor involved.

3 "Q Is that what you intended, to perform a
4 service to Mr. Hunt?

5 "A I remember in the discussions saying
6 that if we exposed these plans it might make them back
7 off and we could be doing him a favor.

8 "Q Did you notify Mr. Hunt?

9 "A No.

10 "Q Did you send Mr. Hunt a copy of the
11 proposed story before it was published for his comments?

12 "A No.

13 "Q Why not?

14 "A First of all I didn't think Mr. Hunt
15 knew they were going to hang him.

16 "Q Then why not advise him?

17 "A Why?

18 "Q If you were trying to help him.

19 "A The thought did cross my mind if he
20 can't help me improve the story by saying, 'I know
21 they are going to hang me,' or 'I know they are not'
22 if he was to be taken by surprise and he was not to know
23 in advance. So our telling him means to tell him in
24 advance of what is confronting him. It wasn't the
25 type of story where you go for the balance in the sense

1 Tucker - direct

2 that this politician accuses this politician of some-
3 thing and you call up the other one to balance it. Our
4 story being true, and which I still believe to be true,
5 there's no way he could possibly know the ambush they
6 had planned for him.

7 "Q Right.

8 "A So how could he help me improve the
9 story or whatever all he could possibly say is I don't
10 know.

11 "Q How did you know until you asked him?

12 "A Well, all of the information I had
13 available to me was the fact that Hunt was not a party
14 to the conspiracy to hang Mr. Hunt.

15 "Q Mr. who was not?

16 "A Mr. Hunt was not a part of the con-
17 spiracy to hang Mr. Hunt. All the information I had
18 available was to that effect.

19 "Q But the subject of the information was
20 Mr. Hunt, was it not?

21 "A It was. Well, really the CIA was the
22 subject of it. Mr. Hunt happened to be their intended
23 victim.

24 "Q Were they mentioned in any headlines?

25 "A No.

1 Tucker - direct

2 "Q Who was the only person mentioned in the
3 headlines?

4 "A Mr. Hunt.:

5 "Q Now, when this manuscript came in, you
6 knew approximately what it was going to contain, did
7 you not?

8 "A Well, I knew the thrust of the story,
9 yes, sir.

10 "Q And when it came in did you go over it
11 with Mr. Carto?

12 "A We weren't sitting side by side going
13 over it. I went over it and he went over it, one first
14 and then the other.

15 "Q Were you surprised at its contents?

16 "A Not really. I got over being surprised
17 when the story itself was outlined to me by phone and
18 discussed in great detail before it was written. So I
19 was immuned to surprises.

20 "Q Well, did somebody authorize Mr.
21 Marchetti to go ahead and write it up after it was
22 related on the telephone?

23 "A Yes.

24 "Q Who was that?

25 "A Spending this much money and on this big

Tucker - direct

1
2 a story, it may have been me giving him a message, may
3 have been Mr. Carto. I would have consulted with Mr.
4 Carto and gotten his consent before committing the
5 newspaper to it.

6 "Q How much money was involved in it?

7 "A \$500, it says here, which is our top
8 fee.

9 "Q So when the manuscript came in, it was
10 gone over?

11 "A By both of us and other people.

12 "Q All right. Who were the other people
13 that went over it?

14 "A I can't answer that question because I
15 get confused. Now, Mr. Carto goes over our copy when
16 he's in the office. I go over all of them. One John
17 Tiffany is designated copy editor and he goes over it,
18 again as if he doesn't believe it. Then the proof-
19 readers read the galley proof as if they don't believe
20 it. Then after the pages are made up on what the trade
21 calls the flats, the page itself is already made up
22 with the type. Now, that's the way the paper is going
23 to look when it comes out. At that time routinely
24 three people again read it and this is after all typo-
25 graphical and editing corrections have been made as if

1 Tucker - direct

2 they don't believe it, and raise every question they can.
3 This is the mechanical process.

4 "The personalities involved I cannot
5 name them now.

6 "Q Did anybody raise any questions at any
7 of these steps along the way?

8 "A Oh, I remember questions about a lot of
9 things. I remember several phone calls, discussions.

10 "Q With who? Marchetti?

11 "A Mr. Marchetti, Mr. Carto, myself, other
12 staffers whose names escape me at the moment.

13 "Q Did anybody ever ask Mr. Marchetti for
14 the names of the people who had given him the story?

15 "A Yes, and he was able to describe the
16 types of sources, that is, let me know the sources.
17 Not a file clerk or janitor but for example--this is
18 not precise--but counsel to committee, committee
19 staffer, a CIA official of ten years duration, or what-
20 ever on his promise never to disclose their names, to
21 keep them from being fired.

22 "So I never had their names. Their
23 names were never known to me. The types of sources
24 were never known to me.

25 "Q Were they known to Mr. Carto, the names?

1 Tucker - direct

2 "A I don't know.

3 "Q Did he ever tell you that he knew the
4 names and that you were safe in going ahead with the
5 story?

6 "A I don't recall.

7 "Q Who gave the final okay to print it?
8 You or Mr. Carto? Who had the final say?

9 "A I wouldn't--Mr. Carto would have the
10 final say in the sense that he would say--I would have
11 to have his consent before going ahead with it.

12 "On the other hand my responsibility
13 does not stop there because if he gives the final okay
14 on the story I should go back right up and say that
15 this is a mistake. So in a sense we had a double final
16 okay, his final okay and my final okay, if that makes
17 sense.

18 "Q Yes, it does. I want to go over the
19 article with you, the manuscript, and it starts out:

20 "A few months ago in March there was a
21 meeting at CIA headquarters in Langley,
22 Virginia, the plush home of America's
23 super spooks overlooking the Potomac River.
24 It was attended by several high level
25 clandestine officers and some former top

1 Tucker - direct

2 officials of the agency.'

3 -- "How did you verify that?

4 "A I'm not sure if he actually came down
5 to visit with us before the story came in or not.
6 Feels like something might have happened. I remember
7 discussing it. They were high level, not messenger
8 boys and not ministerial personnel but high level, yes,
9 yes, yes.

10 "Q Did you ask him how he knew that it
11 happened in March?

12 "A I don't remember if I asked that ques-
13 tion specifically or many questions. I can't be
14 specific on that.

15 "Q The next sentence:

16 "'The topic of discussion was what to
17 do about recent revelations associating
18 President Kennedy's accused assassin, Lee
19 Harvey Oswald, with the spy game played
20 between the U.S. and the U.S.S.R.?'"

21 "How did you verify what the topic of
22 discussion was in a secret CIA top level meeting?

23 "Did you verify it? There are a few
24 lines I want to ask about.

25 "A Okay. Most of my answer probably would

1 Tucker - direct

2 be that I was relying on the expertise and the integrity,
3 biography and reputation of Mr. Marchetti. The entire
4 content was discussed and worried about with him for --
5 its authenticity, for reliability and so forth and all
6 of my answers to these type of questions would be that
7 ultimately I relied on his integrity, that I believed
8 him. And as I still do.

9 "Now, I would not be able to be specific.
10 I remember as I said him describing types of sources,
11 types of people who--what their jobs were, roughly.
12 So to the broad extent that I couldn't, even if I wanted
13 to, betray him. I would not be able to finger somebody
14 as being his source and getting them fired.

15 "Q Let's go on to Page 3... In the middle
16 of the page there is handwritten words, 'They will
17 hang Hunt.' Did you write that? 17

18 "A I'm ninety-nine percent sure I did.
19 That's my style of doing it, feels like something I
20 would have done.

21 "Q And did you have to get permission to
22 do this?

23 "A No, I don't have to say 'May I put a
24 subhead,' as we call it, 'in the paper?'

25 "On the other hand the judgment would

1 Tucker - direct

2 be echoed by people reading the galley proofs, which
3 they see it in that form, reading the page proofs, read-
4 ing the flap and so forth.

5 "Q All right. Going back to Page 2 of the
6 manuscript, down toward the bottom are the handwritten
7 words 'a new cover up.'

8 "A I believe that was me too.

9 "Q Do you know why that was not included
10 in the published version?

11 "A Oh, yes. It would be a mechanical thing.
12 Let me see. Earlier in the story here, typographically
13 and maybe I can be very specific, typographically a
14 subhead looks--back down here. The typographical
15 thing is to break up the gray mass in a story. We
16 pull them out if its inconvenient or falls in a bad
17 place.

18 "Q The top of Page 4. Well, it really
19 begins on the bottom of Page 3 and goes up to Page 4:

20 "'His reputation and integrity have
21 been destroyed.'

22 "Is that an opinion? Did you ask Mr.
23 Marchetti is that an opinion or did he base it on some
24 documents?

25 "A Let me see the context that precedes it.

Tucker - direct

"At the time I remember thinking about it and considered his reputation and integrity had been destroyed within the CIA because they are mad at him for dragging it into the Nixon situation. I have forgotten in what way Howard Hunt was supposed to have blackmailed the CIA. It goes back to the Watergate stuff. At that time it was more fresh in my mind.

"So whether my judgment was good or bad, my thinking at the time was that his reputation and integrity have been destroyed insofar as the CIA is concerned. Better judgment might have prompted me to say, 'Destroyed insofar as the CIA is concerned' now. But at the time it seemed clear to me that that was the thrust of it.

"Q All right. And a couple of sentences just before that, like you touched on; on Page 3 of the manuscript, 'His luck has run out and the CIA has decided to sacrifice him to protect its clandestine services.'

"A Yes.

"Q Was that Mr. Marchetti's opinion or was it based on some fact that he brought to your attention?

"A In discussing it with him he convinced me that, because of the Watergate situation in which

1 Tucker - direct

2 he was unluckily involved, in the sense that they were
3 all unlucky to be involved, made him the chosen victim
4 of the CIA to sacrifice.!

5 "Q Then it was Mr. Marchetti's opinion
6 based on the Watergate thing?

7 "A Yes, right, his judgment which I
8 accepted.

9 "Q And, 'The agency is' furious with Hunt
10 for having dragged it publicly into the Nixon mess and
11 having blackmailed it after he was arrested.'

12 "A Yes..

13 "Q Is this also Mr. Marchetti's judgment?

14 "A Well, there he had the advantage of
15 constant communication with many agents still working
16 within what they seemed to call the Company.

17 "Q So was this opinion or fact?

18 "A The fact that he derived, according to
19 my recollection, from interviews with CIA agents who
20 were then still active at that time.

21 "Q Did you ask him that?

22 "A Yes, to the best of my recollection.

23 "Q Facts derived from CIA interviews?
24 Would that be fair?

25 "A Yes, I guess. The term interview

1 Tucker - direct

2 normally conveys something more formal, perhaps and a
3 few questions to an individual."

4 MR. RUBIN: Then it goes to Line 6.

5 BY MR. RUBIN:

6 "A I was concerned about the definition of
7 interview. If by that you mean a formal, we get
8 together at 10:00 o'clock and we grill you or are we
9 just talking to the boys and getting their best judg-
10 ment.

11 "Q And the sentence goes on:

12 "'And for having blackmailed it after
13 he was arrested.'

14 "What was that based on?

15 "A The same thing. Mr. Marchetti in his
16 interviews with the agents, who I understood told him
17 that the CIA officials are angry. They consider this
18 blackmail and so forth, to the best of my recollection.

19 "Q Did you have any files at the time that
20 you remember this manuscript regarding Howard Hunt?

21 "A I do not believe that we had a Howard
22 Hunt quick file, as we call it, like we obviously do
23 now. I don't think he ever figured prominently in a
24 story before. I'm not sure. Routinely we would have
25 said that we have a story on Mr. Hunt. So do we have

1 Tucker - direct

2 any background information or whatever? I have no
3 specific recollection since I do it so many times in my
4 life whether or not we turned up files on Mr. Hunt, or
5 not.

6 "Q Did you have any knowledge at all outside
7 of what Mr. Marchetti gave you that Howard Hunt ever
8 blackmailed the CIA?

9 "A I'm trying to remember what we read about
10 Watergate. Seems to me that he was accused of black-
11 mailing the CIA in the Watergate scandal in some way.
12 I don't recall. If so, that was my only independent
13 knowledge.

14 "Q What you had heard before?

15 "A What I had read in other people's news-
16 papers.

17 "Q So you had no reason to check that out?

18 "A No.

19 "Q Page 4 of the manuscript:

20 "'The death of his wife, Dorothy, in
21 a mysterious plane crash in Chicago still
22 disturbs many people.'

23 "Did you ask Mr. Marchetti what people
24 he was referring to?

25 "A My recollection is that it disturbed

1 Tucker - direct

2 people within the CIA, and people who are a segment of
3 the public which is intrigued by conspiracies and so
4 forth.

5 "Q Is this what Mr. Marchetti told you or
6 is this what you are assuming when you read it?

7 "A No, that's my recollection which may be
8 faulty of the many conversations I have had, discussions
9 and so forth.

10 "But that's the best recollection I have
11 of the people who were disturbed.

12 "Q Did you ask him where he got this infor-
13 mation or was it just an opinion?

14 "A Again, going back three years, I can't
15 be precise. I think part of it--is the plane crash was
16 based on what was published in the newspapers and I
17 believe there might have been some clippings where
18 people would say, 'Isn't that strange that Mrs. Hunt
19 died in a plane crash.' Things of that nature.

20 "But I don't believe that was the sole
21 information.

22 "Q All right.

23 "'Especially since there were rumors
24 from informed sources that she was about to
25 leave him and perhaps even turn on him.'

Tucker - direct

1
2 "Did you ask him what informed sources
3 he got that from?

4 "A Again I believe I did. I'm not sure if
5 I phrased it--again, it would be the same type of
6 sources that would rely on the integrity of the reporter
7 when we believe that he is honorable.

8 "Q At the bottom of that paragraph:

9 "'And now, in recent months, his alibi
10 for his whereabouts on the day of the shoot-
11 ing had come unstuck.'

12 "Did Mr. Marchetti explain where he got
13 that information from?

14 "A I believe and I'm not sure that not only
15 from the book that is mentioned by Weberman and Canfield
16 in the paragraph following, that he had other sources
17 within the CIA or elsewhere.

18 "Q Did you ask him who those sources were?

19 "A I will say yes, since I always did so I
20 could get the answer, which is always the same. That
21 is, a description of the type of source or sources and
22 no names, for the reasons stated.

23 "Q So that he gave you answers that you
24 really couldn't check out?

25 "A Yes.

1 Tucker - direct

2 "Q And you had to depend on his integrity
3 and veracity? --

4 "A Yes. ;

5 "Q Which you did?

6 "A Yes.

7 "Q The next sentence:

8 "'In the public hearings, the CIA will
9 admit that Hunt was involved in the con-
10 spiracy to kill Kennedy.'

11 "Did that statement give you any cause
12 for concern?

13 "A I believe it did, because I believe I
14 wrote it. The term--well, looks like my typewriter..
15 and it feels like me--again, pointing out as the head-
16 line did the term 'admit' being in quotes implied it's
17 being used advisedly and not as a direct flat statement
18 that Hunt killed him because the CIA admits it.

19 "Now in this case I think he got to be
20 a little bit windy or we didn't think it was clear. So
21 I would have rewritten that paragraph as to what I
22 think he's trying to say, maybe making it more concise
23 or whatever improvements I thought I was making.

24 "Then I would call him back and he would
25 have a copy of the story at home, a machine copy, even

1 Tucker - direct
2 as I am looking at now, or a carbon. And I would say
3 to him, 'On Page 4, I want to recast this paragraph or
4 add this or rewrite this and here's the way I have
5 rewritten it. What do you think, is it okay?'

6 "And he would say yes.

7 "Q All right. So basically would it be
8 fair to say that you actually did the typing of that
9 paragraph?

10 "A Ninety-nine percent certainty.

11 "Q And that you changed what had been
12 because you wanted to make it clearer?

13 "A Yes.

14 "Q And you checked with Mr. Marchetti and
15 he said, 'It's okay'?

16 "A Yes.

17 "Q And did you ask him where he got this
18 information from that the CIA will admit that Hunt was
19 involved in the conspiracy to kill Kennedy?

20 "A Yes, I am sure I did. Now for clarifi-
21 cation purposes it would not be in the form that we
22 are doing it now. It would be in terms of the whole
23 story, 'Are we solid here?' And so forth, and sources,
24 type of sources he described.

25 "Q Same answer then?

1 Tucker - direct

2 "A Really the same answer to virtually all
3 of these factual questions.

4 "Q May I ask you, sir, why did you say--and
5 you may know and you may not remember--that, 'The CIA
6 will admit that Hunt was involved in the conspiracy,'
7 and then, the next sentence, 'The CIA may go as far as
8 to admit that there were three gunmen shooting at
9 Kennedy.'

10 "Why did you use 'will admit' in the
11 first sentence and 'may go so far as to admit' in the
12 second? Why differentiate?

13 "A Well, there are two different organiza-
14 tions. I felt absolutely sure that under their present
15 plans, the plan that they intendant at the moment was
16 to admit that there were three gunmen.

17 "Q Well, you must have had some basis for
18 that sentence.

19 "A Oh, yes, indeed. Again Mr. Marchetti,
20 his absolute certainty that that was the plan of the
21 CIA at the time.

22 "Q Where did you get that from when you
23 asked him?

24 "A Well, the answer would have to be
25 equally vague again to all of these inquiries. The

1 Tucker - direct

2 sources, the type of sources were described and to the
3 extent that I would not be able either by human error
4 or treachery to betray them.

5 "This is not uncommon in these kinds of
6 stories. We have to have a solemn promise that the
7 name will never pass his lips. And the same answer
8 would be true of the FBI.

9 "Q Did he ever tell you the names of any
10 of the sources or did he just tell that to Mr. Carto?

11 "A Well, I don't know what he told Mr.
12 Carto because I was not in that meeting where the
13 question of names apparently came up. He never told
14 me. He has met Mr. Carto without me being present.

15 "And the fact that the FBI probably has
16 known there's three gunmen is something that I felt I
17 had independent knowledge of because of a very fast
18 flowing hole in the dike called the Warren Commission
19 Report.

20 "According to the Warren Commission
21 Report, or to the newspaper accounts of it at the time,
22 the Marines sent in experts to try to reenact the
23 assassination of President Kennedy and get off three
24 shots in the time frame that they demonstrated at the
25 movies taken by the dentist, the tourist and Life

1 Tucker - direct

2 Magazine bought them.

3 "The Warren Commission experts went over
4 them and the frames demonstrated that, if I recall
5 correctly, in something like 2.70 seconds or whatever,
6 that they tried to reenact it for the Warren Commission.
7 They had an expert from the Marine Corps, a sharp-
8 shooter, the best. They told him to fire that gun
9 three times and from Dealy Plaza or whatever, at the
10 scene, in the same time frame.

11 "When he was unable to do so, they said
12 to stop aiming. Maybe Oswald was a lucky shot--if
13 that's not the wrong word. Maybe he did all the killing
14 even while not aiming.

15 "And the experts could not get off three
16 shots in that time frame. So with that on the record
17 and me having read that, what the Washington Post and
18 other newspapers if I recall correctly said was part
19 of the Warren Commission Report--and I never read all
20 forty volumes--then the FBI would have to note that
21 more than one gunman was involved.

22 "Now, whether they knew there's three
23 gunmen that the FBI knows is involved at that point,
24 I trust and rely again on Mr. Marchetti's credibility.
25 But I feel I know that there is more than one and at

1 Tucker - direct

2 least two.

3 "Q__ It appears that on this Page 4, there
4 were two different typewriters.

5 "A Yes.

6 "Q And that there was an insert made between
7 the top paragraph and the bottom paragraph.

8 "A Yes.

9 "Q And the insert is what we have just been
10 going over?

11 "A Right.

12 "Q And that Mr. Marchetti did not actually
13 compose the middle paragraph; that it was rewritten by
14 you?

15 "A Yes. In fact, that looks like the
16 original copy, doesn't it?

17 "Q No, it's not. I got a photostat in the
18 mail.

19 "A Oh, this is a photostat copy too.

20 "Q Yes, it's a photostat that I got from
21 a lawyer in Miami. Well, that was in the space before
22 you rewrote it.

23 "A Do you have the original copy here? My
24 trick sometimes is, to make an easier composition, to
25 rewrite it and just cut it out and paste it on top.

1 Tucker - direct

2 "You may very well find that I have
3 taken scotch_tape_and put it on top, and that by pulling
4 that up, you may see what was written before.

5 "Q The last sentence of that paragraph in
6 the middle:

7 "The conspiracy involved many more
8 people than the ones who actually fired at
9 Kennedy both agencies may now admit."

10 "Who changed the last two words from
11 'privately believed' to 'may now admit'?

12 "A That looks and feels like me. And if I
13 can reconstruct only from memory, in reading that to
14 Victor Marchetti he may have said to me that it's a
15 little stronger and we can now say that they might
16 admit it when these hearings came out. So he may have
17 recommended that change. Or if I did it, if I changed
18 it myself before calling him, then that's the way I
19 read it to him.

20 "Or in any event, I would have read it
21 back, 'may now admit' instead of 'privately believed.'

22 "Q Did he actually see this whole manu-
23 script with all of the changes and editing before it
24 was published?

25 "A He might have. I don't know.

1 Tucker - direct

2 "Q Did he ever make any changes from the
3 time he submitted the original for publication?

4 "A I don't think so. Other than the ones
5 that we made and were approved by phone, and styled
6 particular changes. I don't think he made any physical
7 changes at all.

8 "Q Why, sir, did you feel it was necessary
9 to put in this middle paragraph between the two on that
10 page?

11 "A I thought it helped the clarity of it.

12 "Q Well, the top paragraph ends with 'And
13 now, in recent months, his alibi for his whereabouts on
14 the day of the shooting has come unstuck.'

15 "And the next sentence in the same type
16 is:

17 "'A. J. Weberman and Michael Canfield,
18 authors of Coup d'etat In America published
19 pictures of three apparent bums who were
20 arrested at Dealy Plaza.'

21 "Doesn't that go along with the top
22 paragraph instead of the thing in the middle?

23 "A For strict coherency, this would
24 naturally follow that, yes, as he wrote it. But I felt
25 it was necessary, all the way down to Page 4, to remind

1 Tucker - direct

2 the readers that we are talking about--or have we
3 mentioned earlier--that the hearings are coming up
4 later this month?

5 "Q Yes, the first paragraph.

6 "A In some point in the story you do a
7 little repetition to put you in focus. This is going
8 to be to remind the readers that this will or that this
9 is based on information that they are going to, in this
10 state of mind, they are going to admit--'admit.'

11 "Q So it's repetition in putting it in
12 focus?

13 "A A former focus and emphasis.

14 "Q All right. Mr. Carto wrote something on
15 the side on the bottom of Page 4.

16 "A Yes, 'confirm this.'

17 "Q Were you the one he directed that to?

18 "A Yes, because he directs everything at
19 me and then I, in turn, assign to my far flung staff
20 everything he directs.

21 "Q Did you ask him what he was referring to
22 by those words?

23 "A Oh, I understand when he puts a mark
24 beside here, he's referring to the paragraph 'Hunt
25 immediately sued.'

1 Tucker - direct

2 "Having heard you asked the question
3 earlier, I have been searching my own mind. I probably
4 started out by calling Victor and saying, 'Okay, where
5 can I find out independently about the lawsuit because
6 you didn't even say what town.'

7 "Q Right.

8 "A And if he said it was Possintrot,
9 Mississippi, I'm likely to have called the city editor
10 there and asked have you had a story about Hunt suing
11 and if we had the time to mail me clippings of it.
12 What court clerk can I call to confirm that such an
13 action has been made?

14 "Newspapers do traditionally help each
15 other out in this way.

16 "Q Is that what you did in this case?

17 "A That's what I feel like I did.

18 "Q Who did you call?

19 "A I don't remember.

20 "Q Do you have a note?

21 "A Not now.

22 "Q Do you have a telephone bill?

23 "A We might. I never thought of that.

24 "Q Well, of course, a telephone bill
25 wouldn't say what you were calling about, would it?

1 Tucker - direct

2 "A No, I think the telephone bills list
3 many calls every day. It would not specify who made the
4 call.

5 "Q Let me ask you, how did you follow Mr.
6 Carto's instructions and how did you confirm the law-
7 suit?

8 "A I remember it being confirmed to my
9 satisfaction and I can't really remember just how it
10 was done. Somebody I was allowed to talk to had famil-
11 iarity--Hunt's lawyer or a lawyer for the other side of
12 the issue, his office, or things of that nature.

13 "Q But you don't remember who?

14 "A No, it's been three years. A lot of
15 stories since.

16 "Q You never doubted that there was such
17 a lawsuit, did you?

18 "A Oh, no.

19 "Q And you never doubted the contents of
20 the lawsuit?

21 "A I wasn't really too--

22 "Q Did Mr. Carto ask you to confirm that
23 Hunt said in the lawsuit that he could prove where he
24 had been in Washington, that he had been in Washington
25 that day?

1 Tucker - direct

2 "A Oh, yes. I was glad to be able to do
3 it because that gives a little balance to the story if
4 Hunt says he was in Washington when other people are
5 saying he was in Dallas, that's very significant.

6 "Q Now, at the bottom of the page, Page 4
7 is the sentence:

8 "'It turned out, however, that he was
9 not.'

10 "And that was changed to, 'That this was
11 not true.'

12 "Who changed that?

13 "A That does not look like me or feel like
14 me. I can see my style. So, I don't know. It could
15 have been--I don't know if it's Mr. Carto or one of
16 millions of others. I say millions, but several other
17 people who go over for semantic reasons as well as
18 others to make a sentence, improve sentence flow,
19 grammar and so forth.

20 "Q All right.

21 "A I didn't think of it.

22 "Q Did you verify or did you confirm--I
23 guess that's what Mr. Carto said, 'confirm this.' Did
24 you confirm that Howard Hunt was not in Washington, D.C.
25 that day?

1 Tucker - direct

2 "A In the same way, through Victor
3 Marchetti's reassurances.

4 "Q I thought you said that you had called
5 down to Miami in an attempt to confirm the lawsuit.

6 "A I was trying to confirm that he had, in
7 fact, filed a lawsuit making that claim.

8 "Q And you were depending on Mr. Marchetti
9 to say that his claim in the lawsuit was not true?

10 "A I didn't feel like I was really--

11 "Q Did you talk to A. J. Weberman or
12 Michael Canfield, authors of the book?

13 "A I don't think I talked to them person-
14 ally. I think he turned in the two books along with
15 the story so we could refer to the books in editing the
16 story.

17 "Q The fact that you read in the manuscript
18 that Hunt immediately sued for millions of dollars, did
19 that kind of cause a red flag to go up in your mind,
20 why would he sue?

21 "A Not the same--everything is a red flag,
22 but not to the degree it would be if I was in the
23 plastics business. Because newspapers, all the news-
24 papers I have served and some good ones over the years,
25 daily newspapers until I got into this field, until I

Tucker - direct

1
2 joined Liberty Lobby, big ones and small ones and so
3 forth--they are hearing people yell lawsuit every time
4 they get mad:

5 "Some are brought for the nuisance value
6 and you have to run a headline saying such and such and
7 then they are dropped.

8 "So it didn't overwhelm me, the fact
9 that Mr. Hunt was bringing a lawsuit.

10 "Q It didn't make you a little bit more
11 cautious to check it out?

12 "A Probably made me call Victor up one more
13 time and say--and maybe I'm giving you the impression
14 and I don't mean to imply for the record or in the
15 interest of accuracy that I called him 400 times in the
16 course of this. I would make a lot of notes and then
17 have a long conversation with him at one time. But
18 there were several calls involved.

19 "Q Being in Washington did you check out
20 yourself the alibi that Marchetti claims was destroyed
21 on Page 5 at the top, that Howard Hunt claimed that he
22 had been on a shopping trip to a grocery store in
23 Chinatown and Weberman and Canfield investigated the
24 alibi and found that the grocery store where Hunt
25 claimed to be shopping never existed?

1 Tucker-- direct

2 "That would have been easy to check out,
3 wouldn't it, right here?"

4 MR. LEE: I think it goes down to Line
5 17.

6 MR. RUBIN: All right.

7 BY MR. RUBIN:

8 "Q Let me rephrase it then. On Page 5 of
9 the manuscript, Marchetti writes:

10 "'Weberman' and Canfield investigated
11 the new alibi and found that the grocery
12 store where Hunt claimed to be shopping
13 never existed.'

14 "Did you check that out with Weberman
15 and Canfield?

16 "A I don't think I called them personally.
17 I think we may have looked in the phone book to see
18 if there was such a grocery store.

19 "Q Did you get the name of the grocery
20 store?

21 "A I believe it was in the book and I
22 looked up that portion of the book that they named it--
23 Hop Sings grocery store or something, and I couldn't
24 find a listing for Hop Sing or something. Again, I
25 can't be specific but it's typical.

1 Tucker - direct

2 based on fact or speculation or judgment on his part?

3 "A-- In-the same context.

4 "Q Well, what did he say? That he talked
5 to somebody in the CIA or that this was based on his
6 assumption from everybody he knew? This was a judgment
7 on his part?

8 "A He never said that this was based on my
9 assumptions. In this, like the other questions, it
10 would be saying that he had good sources and the
11 quality of the sources and so forth.

12 "Q And then it goes into this CIA internal
13 memorandum and you explained how he explained that.

14 "A Yes.

15 "Q He said he had seen it, actually?

16 "A My recollection is yes, that he had
17 observed it.

18 "Q And that the person who showed it to him
19 couldn't give him a copy? Did he say when he had seen
20 it?

21 "A My understanding was that it was during
22 a recent period as he was building the story. I'm not
23 talking about years ago or months ago, but in a rela-
24 tively recent period. That was the understanding I
25 reached from my conversations with him. What he

1 Tucker - direct

2 specifically said, I don't know. I don't recall.

3 "Q -- The next sentence is:

4 "'Hunt is going to be hard put to
5 explain this memo, and other things, before
6 the TV cameras at the HSCA hearings.'

7 "This is on Page 5 at the bottom of the
8 third paragraph.

9 "A Okay.

10 "Q Did he say that the sentence was based
11 on speculation and judgment or that somebody at CIA
12 told him that Hunt is going to be on camera at the
13 hearings?

14 "A I'm searching my memory. Well, as far
15 as being precise I could simply say I have no precise
16 memory of most of the contents. To the best of my
17 recollection this seems to be stating the obvious: --
18 TV cameras, if they are not admitted inside the hearing
19 room are certainly are going to be outside the hearing
20 room in a case like this. The contents of the foregoing
21 memo dated 1966 would make it stating the obvious, that
22 it's going to be difficult for Hunt to explain the
23 memo before the TV cameras.

24 "Q So he didn't say whether this was based
25 on good sources at the CIA or just his own speculation?

1 Tucker - direct

2 "A Well, the entire content of the
3 story is based on numerous sources described to me from
4 the whole thing. So I can't respond to each sentence.
5 But it's a sentence we had discussions precisely on
6 this, the whole content. But in reading the copy I
7 believe my reaction would be what it is now, that that
8 is simply stating the obvious for the convenience of
9 the reader, that since this memo existed and it's going
10 to come before the Committee in public hearings and
11 there's going to be TV cameras outside, if not inside
12 the Committee room, that it will be difficult for him
13 to explain.

14 "Q Let's go over to Page 6, top of the
15 page:

16 "E. Howard Hunt will be implicated in
17 the conspiracy and he will not dare speak
18 out--the CIA will see to that.'

19 "A Same type of sources.

20 "Q Sources of the CIA?

21 "A My recollection is that most of the
22 sources were CIA sources and Senate Committee or
23 Committee sources to the best of my recollection.

24 "Q Then we are almost through with Mr.
25 Hunt here.

1 Tucker - direct

2 "A Well now, on Page--

3 "Q-- If I ask you anything on that page, I
4 will show it to you.

5 "A In answer to an earlier question, looking
6 at Page 8 where we have:

7 "'The Committee has scheduled its open
8 sessions on network TV to begin after Congress
9 adjourns for the election campaigns.'

10 "So in the reference before to the TV
11 cameras, that refreshes me, on Page 8.

12 "Q On Page 7 we see the words:

13 "'All the villains have been previously
14 disgraced in one way or the other.'

15 "Do you know who Mr. Marchetti was talk-
16 ing about by 'All the villains'? 16

17 "A Okay. May I hold this for a moment?

18 "Q Sure.

19 "A I have to read what immediately pre-
20 ceded it in that case. He's referring in my own con-
21 struction of it to the people mentioned just above,
22 understanding from the earlier contents of the story
23 that being an anti-Communist could also pass you as a
24 villain in the minds of some part of the bureaucracy.

25 "For instance, well, I'm referring to the

1 Tucker - direct

2 fact, that the anti-Castro Cubans in this country are
3 restrained by this Government. For instance, not only
4 restrained, they have promised never to launch an
5 attack from these shores. But the Internal Revenue
6 goes after them to harass them. The Government, for
7 some reason or another, under Carter at least, had a
8 policy of trying to frustrate the anti-Castro Cubans.

9 "So I believe the term villain is
10 referring of course to those who immediately precede
11 that.

12 "Q All right. Right after the word villain
13 there's a sentence that was not--or half a sentence--
14 that was not included in the published version. I have
15 parentheses in red around it. Do you see that?

16 "A That looks like what the trade calls an
17 out-C--outside copy that was mixed. It's a typographi-
18 cal error. Because if it had been deliberately struck
19 it would have been obliterated the way you see some
20 examples here.

21 "So I believe that's a typo that didn't
22 look like a typo, because what they have left is a
23 complete sentence:

24 "'They all have right wing reputations.'

25 "So while it was left out, it didn't

1 Tucker - direct

2 appear to be some left out. I do not believe it was
3 left out with any particular intent.

4 "Q The next sentence:

5 "'The fact that some may have had con-
6 nections with organized crime will prove to
7 be only incidental in the long run.'

8 "Did you ask Mr. Marchetti what his
9 source for the statement was, that some of the so-called
10 people may have had connections with organized crime?

11 "A I remember being fascinated by that fact,
12 that that would be incidental. But I can't remember
13 his responses to those sources being any different from--
14 in other words, I am sure he didn't say it was John
15 Smith of this address who told me that. I am sure he
16 didn't identify by name the source.

17 "Q Well, was it somebody in the CIA?

18 "A I believe this source had not a connec-
19 tion with organized crime but was an expert, had some
20 expert qualifications on the subject, perhaps within
21 the FBI. I'm not sure.

22 "Q This sentence appears on Page 7:

23 "'Those with provable ties to the CIA
24 or FBI will be presented as renegades who
25 acted on their own with the approval or

1 Tucker - direct
2 knowledge of their superiors.'

3 -- "The word 'with' was crossed out and
4 the word 'without' was inserted which appears in the
5 published version. Is that your wording, your change?

6 "A No. It doesn't look or feel like me.
7 And even it's not my style to simply cross out what I
8 want to eliminate. I obliterate it in this style. If
9 it had been me I would have struck out the word 'with'
10 altogether and obliterated it and written in 'without.'

11 "Q And you don't know who did that?

12 "A How does that change it? That is a
13 guess. Do you want a guess?

14 "Q I won't hold you to it.

15 "A Right. It's possible that Victor
16 Marchetti called up and said, 'Hey, there's a factual
17 question we have to make because this does change the
18 sentence, 'without the approval or knowledge of their
19 superiors,' instead of 'with the approval or knowl-
20 edge.' A very important change.

21 "It's possible. He could probably
22 answer the question because most people have a feel for
23 what they crossed out. Not penmanship but styles. He
24 may have made that change himself before he turned the
25 copy in with his own pen.

1 Tucker - direct

2 "Q Okay.

3 "A Another possibility would be that one
4 of our staffers, not me, obviously, would call up and
5 say, 'Hey, are you saying that they are going to say
6 they did it with the approval or knowledge of the
7 superiors?' And he said, 'Oh, my God, no. I meant to
8 say without.'

9 "It could have been fixed that way.

10 "Q Okay. I guess that's it for that.

11 "Did you ever have a conference with
12 any attorneys representing Liberty Lobby or the Spot-
13 light concerning this article before it was published?

14 "A I don't believe I did.

15 "Q Did you interview anybody mentioned in
16 the article?

17 "A No.

18 "Q Reading the story, did you think that,
19 but for the fact that Marchetti authored it and you
20 were relying on his integrity and background and so
21 forth, did you think that it was pretty sensational?

22 "A Well, the truth is often sensational.
23 Yes, I did regard this as a sensational story.

24 "Q And did you regard it as improbable or
25 plausible?

1 Tucker - direct

2 "A I believed it was plausible.

3 "Q -- But was that strictly based on your
4 belief in Mr. Marchetti? :

5 "A That was a heavy percentage of it. He
6 had done work for us before. He had strong credentials
7 that we were proud of and displayed on evaluation.

8 "Certainly if a stranger came into my
9 office, he may say, 'I've been with the New York Times
10 all my life and this is solid.' No, it would be a long
11 time before we would rush into print with something
12 like that.

13 "Q Why?

14 "A Because the New York Times has had some
15 pretty bad reporters in its day. They have blown it,
16 too.

17 "Q But I mean from the wording of the
18 story, doesn't it make some pretty--well, some new
19 allegations in the whole Kennedy assassination story?

20 "A Yes, indeed and we have considered
21 several Kennedy stories and rejected them when we found
22 fatal flaws in them.

23 "Would an example help of stories we
24 have rejected?

25 "Q Well, if you could give us the name of

Tucker - direct

1 the story.

2 "A__ The story was never written. Before
3 we got through talking about it, we decided that it was
4 implausible.
5

6 "Q All right.

7 "A And we rejected the story before the
8 author even bent over his typewriter.

9 "Q All right. Since Mr. Marchetti wouldn't
10 give you the names of any of the sources, did that
11 cause you any concern? Did you question in your mind:
12 Could he have been faking this whole thing?

13 "A I never could imagine that he would be
14 faking it. It's possible for any of us to make a
15 stupid mistake which I don't think he's made. But to
16 intentionally sit down and fabricate a story... We have
17 never jimmied a story, since that's become a verb in
18 our lives, and I am sure Mr. Marchetti--I have been to
19 his home; we have talked. I don't recall specifically,
20 we deal with several people who have long service with
21 the CIA.

22 "Many times, for instance, I have sat
23 in an office with a man who would say "I'm his source
24 on the story. If you ever disclose it, I will be
25 fired.' --or in some cases a threat of bodily harm or

1 Tucker - direct

2 murder if you ever disclose it.

3 -- "And I have done that a number of times.

8A

4 "Q Because Mr. Marchetti brought this
5 story in, did you do anything differently from what you
6 ordinarily do in verifying anything in the story or
7 everything in the story?

8 "A If a story has been written by a young
9 reporter who is still a trainee, perhaps I probably
10 would have wet-nursed him a lot more and besides, he
11 would not be involved with sources that may be killed
12 or fired. He would be involved in something less
13 weighty than that.

14 "There's a difference in saying to a
15 reporter, 'I've got to talk to that copy myself.'
16 There's no reason why that copy is going to be fired
17 for giving me the same kind of thing he gave the
18 reporter.

19 "We are dealing with a heavier matter
20 here. So there's a difference in that regard.

21 "I remember he was absolutely convinced
22 it was going to happen--Victor Marchetti was. And we
23 are talking about the time he went to the story, he's
24 got to be vindicated within a month. He was absolutely
25 convinced and he had done a lot of work for us before

1 Tucker - direct

2 and expected to do a lot of work for us in the future.

3 "Q -- Did he?

4 "A I would think so because he's had
5 story suggestions since and I don't know if we have used
6 any of his stuff recently. He goes into writing books
7 and then doesn't--will maybe go a period where he
8 doesn't work for us or anybody else. And other times
9 we will hear from him and he will propose a story and
10 describe the contents, how he substantiates it and the
11 type of source and so forth.

12 "Q Plaintiff's Exhibit No. 4 is a page from
13 the final report of the House Committee. Are you
14 familiar with what they found concerning what Marchetti
15 predicted was going to happen? predicted was y.

16 "A I'm searching my mind. 16 At one time a
17 House Committee came out and said there had-to-be-more-
18 than one assassin, but I may have that confused with
19 something else. I would have to refresh myself.

20 "Q On the inside is the Committee's report
21 only mention of Howard Hunt, on the right-hand page
22 there.

23 "A Is that the middle of the page, do you
24 recall?

25 "Q No, the footnote. I will ask another

1 Tucker - direct
2 question. Does that report in that footnote sort of
3 nullify everything that is in that article?"

4 MR. LEE: There was an objection.

5 MR. RUBIN: Yes. Going down to Line 19.

6 BY MR. RUBIN:

7 "Q Do you know if the predictions by Mr.
8 Marchetti in the article ever came true?

9 "A They did not. And I could volunteer
10 this, counsel. I still believe it did not come true
11 because of the impact of the Spotlight story in expos-
12 ing the intention in advance. The Spotlight has
13 tremendous impact on Capitol Hill. An effect which I
14 had contemplated prior to publishing the story, as I
15 mentioned earlier.

16 "Q Yes. You are of the opinion that Mr.
17 Hunt should possibly thank you for the story.

18 "A I would accept his gratitude with grace.

19 "Well, I still admire Mr. Hunt.

20 "Q Do you think that the contents of the
21 article and the substance of the statement made therein
22 posed any kind of danger to the reputation of Howard
23 Hunt?

24 "A He was portrayed there as a victim.
25 Everything that was the least bit critical, to my

1 Tucker - direct

2 recollection, was what was already on public record,
3 his involvement with Watergate and so forth.

4 "Anybody who wanted to know about these
5 problems did know about them.

6 "Now, we are saying he's being victimized
7 because they needed to pick a sacrificial lamb, and it
8 turned out that he was the intended victim of it, prior
9 to our rescue story.

10 "Q Did you know at the time he brought the
11 story in, of any connections that he might have had
12 with Howard Hunt when they were both in the CIA?

13 "A I don't recall discussing any specific
14 connections he had. And I don't recall asking him if
15 their service in the CIA at the same time in any way
16 affected his story.

17 "I may have, with all the discussions
18 we had, that may have come up. I don't recall.

19 "Q Did his injunction by the Court against
20 revealing any CIA information that he may have acquired
21 during his service, did that ever come up?

22 "A I thought about it. But then accepted
23 his premise that he would not reveal no information
24 that actually--and had not--that would actually damage
25 his own country. But like all of this, running

Tucker - direct

1
2 throughout the whole gamut of the bureaucracy which I
3 have dealt with for twenty-five years, a Pentagon
4 secret is more likely to be classified to avoid dis-
5 closing some Colonel's embarrassment of cost overruns
6 than to protect atomic secrets from the Soviet Union
7 or something that vitally affects our national security.

8 "In fact, it's been written, not just
9 by me but by other publications, that far more than
10 fifty percent of information classified by the CIA or
11 anybody else has nothing to do with national security.
12 It has something to do with embarrassing bungling
13 bureaucrats.

14 "So I thought about all of those things
15 in deciding that the CIA doesn't have too much trouble
16 getting a court injunction.

17 "Q Did you know anything at the time you
18 accepted the manuscript, or Mr. Carto accepted it, that
19 Howard Hunt and William Buckley had served in the CIA
20 together?

21 "A I hadn't read about it. In fact, if I
22 had known about it before--I had forgotten until I
23 heard Mr. Carto being questioned on the same subject.
24 It never entered my mind.

25

1 Tucker - direct

2 "Q Do you think as you look back before
3 this was published, after you got the manuscript, that
4 you had enough time to check it out?

5 "A If I didn't have enough time to satisfy
6 myself with it we would not have run the story because
7 we would rather err on the side of caution.

8 "Q So you had enough time and opportunity
9 to do so?

10 "A Yes.

11 "Q In your opinion?

12 "A To satisfy myself, yes, sir.

13 "Q And how long a period of time was that?

14 "A It was a matter of days, if not weeks.

15 That sounds vague but it's as precise as I can be.

16 "Q Sure. Do you feel it was necessary
17 yourself to pursue any leads in the manuscript or did
18 you rely entirely on Mr. Marchetti?

19 "A Ultimately I relied on Mr. Marchetti."

20 Your Honor, I have no further questions.

21 MR. LEE: I have a question:

22 "Q Earlier in your deposition you used the
23 word worried a couple of times. You said, 'We worried
24 over the story. I worried with Mr. Marchetti over it.'

25 "Could you explain your use of that

1 Tucker - direct

2 word in that context?

3 "A-- We worry and torture every story to
4 death as a matter of routine in our business. In our
5 business we have to worry and torture ourselves to
6 death over every story.

7 "Q By the time the article published, did
8 you have any worries that it wasn't true?

9 "A No.

10 "Q Did you have any doubts at all as to the
11 probable truth of the story?

12 "A No."

13 Your Honor, it has been stipulated that
14 we will reveal the dates of these two depositions to
15 the jury.

16 The deposition of Mr. Tucker and Mr.
17 Carto that you heard today were both taken on December
18 7, 1981 in Washington, D.C.

19 MR. RUBIN: Your Honor, I would like to
20 take a moment to rest.

21 THE COURT: We have some matters that
22 we can take up. I feel I am more prepared to make a
23 ruling on these affidavits.

24 MR. RUBIN: Yes, your Honor. I think
25 we should excuse the jury.

1 THE COURT: Ladies and gentlemen of the
2 jury, we will let you be excused for a minute.

3 -- [The jury retired from the courtroom
4 and the following proceedings were
5 had:]

6 THE COURT: I will just hear any addi-
7 tional objections you have to these.

8 MR. McGRANE: Yes, so I can be perfectly
9 clear, it may be a little repetitious, one, there is
10 no evidence at this point that the affidavits are based
11 upon a review of a public record. These are records
12 that may be public but were just kept within the CIA
13 themselves.

14 Number two, the affidavits themselves
15 are hearsay in that clearly within Paragraph 1 of each
16 one of the affidavits they state that the statement
17 made herein are not solely within the purview of the
18 affiant but based upon advice of counsel, conclusions
19 within that advice as well as conclusions reached by
20 other employees within the agency itself.

21 Lastly, the affidavits are not relevant
22 to issues in the case and do not fall within any of
23 the exceptions of the hearsay rule. I think it is 803.
24 Nor does it fall within any of the noted provisions
25 for putting into evidence public documents.

1 THE COURT: I have done some independent
2 looking myself and it is my judgment that these docu-
3 ments do qualify under a 902 provision of self-
4 authentication.

5 Further, that they are an exception to
6 the hearsay rule under 803 and number three, their
7 relevance in accordance with the definition of Rule 401

8 Therefore, we will note the objection.

9 Do you want a composite?

10 MR. RUBIN: A composite. That is just
11 the CIA we are talking about right now.

12 THE COURT: This will become a Composite
13 Exhibit 16.

14 [Plaintiff's Composite Exhibit No.
15 16 was received in evidence.]

16 MR. RUBIN: Your Honor, we would now
17 renew our offer of the FBI records based on the affi-
18 davit and certification of the official and that is
19 under 803(H).

20 THE COURT: The objection is still
21 noted and it is still going to be granted.

22 MR. RUBIN: Can we mark them for
23 identification?

24 THE COURT: Certainly, I thought we
25 already had.

1 THE CLERK: Plaintiff's 6-A for identifi-
2 cation.

3 -- - [Plaintiff's Exhibit No. 6-A was
4 marked for identification.]

5 MR. RUBIN: Now, I wish to renew my
6 offer of the official hearing report of the House
7 Special Committee on the Assassinations.

8 THE COURT: It is the ruling of the
9 Court it will remain the same.

10 MR. RUBIN: On the grounds that the
11 Court rules they were not admissible on the grounds
12 that we stipulated Mr. Hunt was not in Dallas in 1963?

13 THE COURT: Counsel, you got it in
14 through oral testimony. If there is another ground at
15 best it would just be cumulative.

16 I guess it becomes time unless you with-
17 draw your request as pertaining to what actions or
18 inactions with reference to revealing the sources--

19 MR. RUBIN: Do we have a ruling as to
20 whether we are entitled to that?

21 THE COURT: I don't know if you want to
22 persist in it.

23 We will take a brief recess.

24 [Recess taken.]

25 [Jury not present.]

1 MR. RUBIN: The plaintiff will not pursue
2 the confidential informant question and withdraw it and
3 the Plaintiff is prepared to announce to the jury and
4 to the Court that the plaintiff rests.

5 MR. McGRANE: At this time we would have
6 some motions to bring before the Court.

7 THE COURT: Go ahead.

8 MR. McGRANE: And if not granted, we
9 have but one very brief witness and it would be my
10 suggestion if amenable to your Honor, that we let the
11 jury go. My witness is so brief that we could finish
12 and rest tomorrow morning and maybe do a charge con-
13 ference tonight and go to the jury as quickly as pos-
14 sible tomorrow.

15 MR. RUBIN: I cannot do a charge con-
16 ference. I will confess that I have been so overloaded
17 and I do not have my jury instructions prepared. I can
18 get them overnight.

19 THE COURT: We don't have to worry about
20 a five-minute witness and I certainly want you all to
21 have your charges.

22 Can I get them now? Can you tell me
23 what law you are relying on?

24 MR. RUBIN: We have to apply Florida
25 law but we have to recognize New York Times vs.

1 Sullivan.

2 THE COURT: We do not have to apply the
3 D.C. law. -- --

4 MR. RUBIN: I believe we have to apply
5 the Fifth Circuit.

6 THE COURT: Washington, D.C. is not in
7 the Fifth Circuit. What law is applicable?

8 MR. McGRANE: We have asked the Court
9 to apply the Fifth Circuit or I guess it is the
10 Eleventh Circuit.

11 THE COURT: Theoretically what law are
12 we applying?

13 MR. McGRANE: We have researched it and
14 as far as the law between Washington and the Fifth
15 Circuit--

16 THE COURT: It would be the same.

17 MR. McGRANE: Right.

18 THE COURT: Let me try to work out some-
19 thing here.

20 First, I don't want to make you have
21 a charge conference.

22 Number two, I don't want to make you put
23 on a five-minute witness which we can do quickly in
24 the morning.

25 My only problem is I have a status

1 conference in a major criminal case at 3:00 o'clock.

2 MR. RUBIN: We should be done by then.

3 THE COURT: Give me a guesstimate on how
4 long it would take for a charge conference. I will
5 have all the regular standards.

6 MR. RUBIN: The only thing new about
7 the libel case is the libel cases that came from the
8 New York Times. Of course our burden is to show
9 reckless disregard for the truth and I will have
10 several cases describing that.

11 THE COURT: Just give me a guesstimate
12 how much time do you think a charge conference will
13 take?

14 MR. RUBIN: Thirty minutes.

15 THE COURT: How much time do you want
16 to argue? 16

17 MR. RUBIN: I was going to ask the Court
18 for one hour.

19 THE COURT: I don't think one hour is--

20 MR. McGRANE: I would ask for the same
21 but probably won't use thirty minutes.

22 THE COURT: So as I understand it, then
23 we would be in a posture of just a few minutes of
24 testimony let's say at the most an hour for a charge
25 conference, two hours for argument and a half hour to

1 charge the jury and by that time it would be lunch and
2 we could have lunch ordered for them and we would be
3 ready to proceed and it could go to the jury by early
4 afternoon.

5 All right, let's get the jury back.

6 MR. RUBIN: I will make my announcement
7 in front of the jury.

8 THE COURT: What I would like to do is
9 let them come in at 9:30. We will come back at 9:00
10 and hopefully we can finish up at 9:30. Unless you
11 have special ones. I will use the office circuit
12 standards as far as the burden of proof and all the
13 goodies of a general nature.

14 MR. RUBIN: Now, there is one thing that
15 is changed and I am sure that the cases that I will
16 provide and I have studied this quite a lot in prepar-
17 ing this case--

18 MR. McGRANE: Are we having Rubin on
19 libel?

20 MR. RUBIN: Yes, the proof of whether
21 or not there was reckless disregard by the publisher
22 have to be clear and convincing. It is not a mere
23 preponderance of the evidence.

24 THE COURT: You have acknowledged a
25 tougher standard than I would have given to you.

1 The plaintiff rests.

2 THE COURT: That's all the testimony
3 that will be offered at this point in time from the
4 plaintiff and they have rested.

5 We will commence the trial tomorrow and
6 the defendant will come forward and put on any testimony
7 or witnesses that they have.

8 I want to again admonish you, please do
9 not discuss the matter among yourselves or permit anyone
10 to discuss it with you.

11 Don't make up your mind or form or
12 express opinion on the merits of this case until all of
13 the facts and law have been unfolded to you.

14 I think it is extremely important because
15 tomorrow it is now anticipated that we will be able to
16 submit this case to you some time around lunch hour.
17 So it is very important that you not read or listen to
18 anything on the radio and television about this case.

19 There have been several rulings by the
20 Court that you have not heard what was said but there
21 has been members of the press and that may be reported.

22 So if you were to read anything you
23 might read something that is inappropriate for you to
24 know.

25 So tomorrow, believe me, trust me, you

1 can live if you don't read The Miami Herald and if you
2 just watch some of the nicer movies and don't put your
3 radio on while you're going home and coming back in the
4 morning and we will all be in greater shape.

5 Are there any other admonishments from
6 the plaintiff?

7 MR. RUBIN: No.

8 THE COURT: The defendant?

9 MR. McGRANE: No.

10 THE COURT: Ladies and gentlemen, tomor-
11 row morning we will start at 9:00 but we will have you
12 here at 9:30.

13 [The jury retired from the courtroom
14 and the following proceedings were
15 had:]

16 THE COURT: At the conclusion of the
17 plaintiff's case any motions on behalf of the defendant?

18 MR. LEE: Your Honor, at this time the
19 defendant would renew its motion for summary judgment
20 and move for a directed verdict as well. But since I
21 believe that the arguments for one are virtually the
22 same as for the other, with your Honor's permission I
23 will present argument for both.

24 Your Honor, the first point that I would
25 like to bring up is that the article itself on its face

1 is not defamatory. At this point it has been stretched
2 over, and over by the witnesses in the depositions that
3 you have heard and I believe that a careful reading of
4 the article will show that there is no statement within
5 the article accusing Mr. Hunt of any wrongdoing.

6 The thing to which Mr. Hunt objects are
7 primarily based on previous publications which were
8 given widespread distribution.

9 The Spotlight article simply said that
10 Mr. Hunt is going to be made a scapegoat by an organiza-
11 tion which he used to work for and which he denied by
12 acts in the past.

13 I believe the first reason your Honor
14 should grant the motion is that the article does not
15 stand the tests of a libelous article. As was pointed
16 out by Mr. Rubin, the burden is clear and convincing
17 evidence. The standard of proof is clear and convincing
18 evidence as to the point of actual malice.

19 The actual malice standard was set up in
20 the case of The New York Times vs. Sullivan, the
21 Supreme Court case which began this whole line of cases
22 on libel.

23 When the plaintiff is a public figure,
24 then he must prove actual malice by clear and convincing
25 evidence which is a higher standard. I can cite Craig

1 vs. Morris which is a Florida Civil Court case which
2 specifies that and was in effect in 1978 and I believe
3 the Rebozo case reiterates that and establishes it by
4 the Fifth Circuit.

5 Actual malice as everybody knows is
6 publication with either actual knowledge of falsity or
7 with serious doubt as to the truth of the article.

8 This serious doubt standard is a classifi-
9 cation of the general phrase reckless disregard for the
10 truth of the publication.

11 I submit to the Court that throughout
12 these proceedings there has been no evidence presented
13 which would establish by clear and convincing evidence
14 that the publisher in this case, Liberty Lobby, had
15 serious doubt as to the truth of the article published.

16 I realize that this standard of proof
17 can be reached by cumulative evidence.

18 In other words, if we had proof that the
19 defendants had decided that they were out to get Mr.
20 Hunt, if we had a memo saying, "Let's get Mr. Hunt," if
21 we had evidence of some long standing practice on the
22 part of the newspaper of attempting to defame Mr. Hunt
23 or some entity towards him, if we had the article
24 submitted by an unknown source then we might have
25 reached that through a cumulative amount of evidence.

1 However through St. Amant vs. Thompson,
2 390 U.S. 727, 1968 the Court went through certain points
3 which would qualify as evidence establishing actual
4 malice.

5 Number one, the evidence that the story
6 was fabricated by the defendants.

7 I don't believe there has been a sug-
8 gestion of that.

9 Number two, that it was a product of
10 the defendant's imagination.

11 In this case of course the defendant
12 participated very little in the preparation of the
13 article other than editing.

14 It has been suggested or pointed out
15 that Mr. Tucker did retype one paragraph I believe it
16 was of the article. However, there is no evidence in
17 doing that he deliberately or otherwise added any
18 factual changes and he stated in his deposition that
19 he did contact Mr. Marchetti and get his approval for
20 whatever changes were made in the interest of clarifi-
21 cation.

22 Thirdly, going back to the St. Amant
23 case, there might be proof that the article, the publi-
24 cation was based solely as the Court stated on an
25 unverified anonymous phone call and of course that

1 could be interpreted to say it would be based on other
2 likewise obvious untrustworthy sources.

3 -- In this case it relied on somebody well
4 known to the publisher whom the publisher had published
5 several times before and in the same general subject
6 area of the American Intelligence community, although
7 I believe some of the earlier articles were on other
8 topics, but some were on the CIA. Now, it reads, "If
9 the article is so inherently improbable that only a
10 reckless person would put it in circulation"--there is
11 no evidence in this case that the story is inherently
12 improbable.

13 Mr. Hunt worked for the CIA. His
14 activities involved things that were secret.

15 By that I am not saying there was any-
16 thing wrong with them but it is clear he participated
17 in clandestine affairs and he was connected afterwards
18 with Watergate and with many other matters of mysterious
19 nature because there were widespread rumors, many
20 stories involving Mr. Hunt.

21 So I would say there is nothing when one
22 reads the story to make any person say that story is
23 unreasonably proper.

24 The CIA had been known to do stranger
25 things than to use somebody as a scapegoat in order to

1 avoid problems.

2 Regarding there might be obvious reasons
3 to doubt the veracity of the informant, Mr. Rubin
4 brought out that Mr. Marchetti was in controversy with
5 the CIA. As I understand the facts, before Mr.
6 Marchetti wrote the book, that he signed an oath where
7 he swore that he would not reveal--and I haven't read
8 it--that he would not reveal secrets which he learned
9 in the CIA which might be damaging to national security.
10 He had to submit the manuscript and the CIA--which Mr.
11 Marchetti said would be embarrassing and not damaging
12 to national security--and the book appears with parts
13 missing.

14 That is the only reason that I could
15 think that the plaintiff could claim that the defendant
16 should have any doubt, regarding Mr. Marchetti's
17 veracity. As a matter of fact, he was never accused by
18 the CIA of having ever lied about anything. What he
19 was accused of was telling the truth about too much.

20 The CIA we are going to establish the
21 fact that Liberty Lobby was never contacted by the CIA
22 with regard to this article and Mr. Marchetti, as far
23 as we know, has never been criticized because of it.

24 So the evidence that the plaintiff has
25 attempted to draw here is as far as I can tell directed

1 to the idea that the publisher did not properly investi-
2 gate the story, the publisher says that we published it
3 because we knew this writer who was a famous man an
4 expert in his field. He knew all people in the CIA.

5 Incidentally, as you will see in his
6 affidavit accompanying at least one of our motions, Mr.
7 Marchetti pointed out that he was never in any sort of
8 disrepute by the CIA. He left it voluntarily to become
9 a free-lance writer and he was asked by the director to
10 stay on but he went on because he wanted to be a writer.

11 I think one of the best established
12 points of law here is that mere failure to investigate
13 on the part of the publisher is not in and of itself is
14 not actual malice.

15 The publisher is not of any obligation
16 to investigate anything. He does not have to inform
17 the subject of the article prior to publication. There
18 is no proof of actual malice, even a total failure to
19 investigate.

20 I can quote in fact from the St. Amant
21 case, St. Amant vs. Thompson, "Investigative failures
22 if they do not in context indicate knowledge
23 of falsity or subjective awareness of prob-
24 able faultity cannot constitute malice."

25 As I have said before, reckless disregard

1 does not mean negligence even though it might apply
2 that in the wording and I am sure your Honor is familiar
3 with that.

4 Reading from the Vanderberg case, 507
5 F.2d 1024 and skipping the redundant portions, we come
6 to this quotation from Page 1026:

7 "There must be sufficient evidence to
8 permit the conclusion that the publisher in
9 fact entertained serious doubt as to the
10 truth of its publication. Negligent report-
11 ing methods are insufficient."

12 The above shows that it is meaningless
13 to show that the publisher should have known or that it
14 should have taken measures to find out.

15 The publisher's subjective awareness
16 of the publication is not clear and convincing evidence
17 as to malice and the testimony of the publisher and
18 editor is that they never had any doubts.

19 Incidentally even if there had been some
20 intent to harm or disparage the plaintiff, that would
21 not be enough and I would cite Henry vs. Collins, 380
22 U.S. 356 1965.

23 All that would remain here would be to
24 rehash the evidence that has been presented and I think
25 the best way to save the Court's time is to get on to

1 say that the evidence as far as I can honestly tell
2 goes only to the point of some sort of failure of
3 investigation. They should have read such and such
4 before they published the article. They should have
5 known certain things before it was published in the
6 newspaper.

7 Most of the things that the plaintiff
8 says the publisher should have known were in fact
9 matters which had to do with Mr. Hunt's denial that he
10 had participated in the Kennedy assassination and as we
11 said, the article did not say that, but that he was
12 going to be unfairly accused and part of a plot against
13 Mr. Hunt and other parties on the part of the CIA and
14 we ask the Court to grant a motion for a summary judgment
15 or in the alternative a directed verdict.

16 THE COURT: The Court will rule on both
17 your motions.

18 MR. RUBIN: Or in the alternative a
19 motion for a directed verdict?

20 THE COURT: Both motions will be denied.

21 Gentlemen, 9:00 o'clock for a charge
22 conference, testimony, then one hour each for argument.

23 Check with Gloria and tell her how you
24 want it divided as far as opening and closing. I want
25 you all to meet at 8:45 and go over your charges so

1 you can eliminate them and possibly even have something
2 that you agree upon by the time we start.

3 -- -- [At 4:30 p.m., the trial adjourned
4 until Thursday, December 17, 1981,
5 at 8:45 a.m.]
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

E. HOWARD HUNT, JR.,

Plaintiff,

vs.

LIBERTY LOBBY, INC.

Defendant.

NO. 80-1121-CIV-JWK

Miami, Florida

February 4, 1985

FILED by D.C.

NOV 8 1985

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TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JAMES W. KEHOE
AND A JURY

APPEARANCES:

WILLIAM A. SNYDER, JR, ESQUIRE, and
KEVIN A. DUNNE, ESQUIRE,
on behalf of the Plaintiff

MARK LANE, ESQUIRE, and
FLEMING LEE, ESQUIRE
on behalf of the Defendant

REPORTED BY:

Paul Haferling,
Court Reporter

223
JD

1 MR. LEE: I have a motion.

2 Your Honor, we had considerable discussion about
3 financial questions involving the Defendant, and you suggested
4 at that time that we bring in an accountant for the purpose of
5 trying to clarify what the documents in evidence mean, things
6 have continued since that time.

7 You recall also we submitted a figure given to us by
8 the treasurer \$188,937.14 as of January 25th of this year as a
9 proffered sum of the Defendants net worth, and the plaintiff's
10 attorneys refuse to except that.

11 So, what we now have in evidence submitted by the
12 Plaintiff's attorneys are two financial statements of Liberty
13 Lobby dated late '83 and early '84. Those documents we feel
14 are going be to totally incomprehensible to the jury and the
15 attorneys, and we have as of Saturday morning managed to
16 contact a gentleman, an accountant, a CPA, Mr. Jerry Bloom, who
17 is sitting in the room.

18 The other side has refused to stipulate that we
19 request that you permit Mr. Bloom to testify. He is a
20 certified public accountant, and he has had experience before
21 as an expert witness on accounting matters in local Courts from
22 Miami.

23 He has never met any of us before. I have talked to
24 him on the phone Saturday, so he is, as far as anybody could
25 be, completely objective on this matter.

1 However, since the Plaintiff's attorneys have refused
2 to stipulate to his testimony, regarding the interpretation of
3 the financial reports, I have a few authorities here which I
4 feel might persuade Your Honor to permit him to testify.

5 The Court has the power to permit any witness to
6 testify, to be called by the Court. Also, for example, Rule 1
7 of the Federal Rules of Civil Procedure says rules should be
8 construed to secure the just and speedy determination of every
9 action.

10 Rule 102 of the Federal Rules of Evidence says the
11 rules should be construed to secure fairness and the promotion
12 of growth and development of the law of evidence to the end of
13 the truth may be ascertained and proceedings justly determined.

14 I think if we don't have an accountant, it is
15 completely predictable the jury will be confused by these
16 documents. They could be told anything by any attorney, and
17 they will have no expertise whatsoever to enable them to judge
18 who is telling the truth.

19 THE COURT: I understand your position. Let me hear
20 from the other side.

21 MR. DUNNELL: Your Honor, this matter has been
22 disputed now since 1980. This is the second trial Defendants
23 have known since the case was filed and punitive damages were
24 asked for financial condition was going to be an element or
25 part of the trial as it was in the first trial as it was in

1 this trial.

2 •The court file would indicate the Plaintiff spent
3 considerable time in pleadings asking Your Honor to issue
4 orders compelling people from Liberty Lobby to testify, to
5 provide documentation, et cetera.

6 We have entered into evidence the best evidence we
7 have. The financial statement that we have entered into
8 evidence are the two most recent ones provided by Liberty Lobby
9 pursuant to our repeated requests.

10 Now, at this late stage we are now in the sixth day of
11 trial. The Defendant has come forward and has stated he would
12 like to offer an expert. No. 1 no such expert has been
13 designated, no such witness has ever be designated under the
14 local rules as we have learned throughout this trial.

15 They were required to name witnesses, and there is
16 even an additional part of the local rules that require experts
17 be named, that reports be filed, that information be exchanged
18 with the opposing side.

19 Now, I also believe Mr. Lee misstated certain things
20 about which Your Honor said.

21 THE COURT: I never tell anybody they have to do
22 anything.

23 MR. DONNELL: We were at the bench discussing the
24 entire proceeding with the CDLL Committee to defend Liberty
25 Lobby and the finances as the Court will recall we spent twenty

1 or thirty minutes on Thursday afternoon discussing that at
2 length how we would proceed.

3 MR. DONNELL: Since the Plaintiff wanted to offer
4 that evidence, and it was concerning their finances that Your
5 Honor said well, you all could have brought an accountant if
6 you had wanted. I don't believe Your Honor suggested we bring
7 them, and we strongly object to their attempt to bring a
8 witness in at this late date not having named them when they
9 have known for years and years that they could have if they
10 would have told us earlier. The problem would have been taken
11 care of.

12 THE COURT: I understand your position, Gentlemen.
13 What I will do -- how much longer do you anticipate it will
14 take to bring your case without your specific expert.

15 MR. LEE: To present the entire case I have to --

16 MR. LAKE: We expect to be finished by this afternoon,
17 Your Honor.

18 THE COURT: I am going to defer ruling on your
19 request, and some time at the conclusion of the presentation
20 that you have without a decision with this gentlemen, I will
21 reaccess and allow you to take a deposition, counsel. I will
22 then see if I think there has been any prejudice that will be
23 involved. I will make a decision at that time.

24 MR. DONNELL: Your Honor, we will --

25 THE COURT: It is obvious you have come on at a pretty

1 late stage of the proceedings.

2 MR. LANE: We thought they would except the stipulated
3 figure. We thought we would stipulate to a figure at least it
4 would be what the treasurer said not that it is true, but that
5 is what the figures they have not and put the documents in.

6 There is no way I can tell. I am not an accountant.
7 I have been practicing law for some thirty years. I cannot
8 deal with what that means. Well if there is someone on the
9 jury who has a little bit of expertise they will interpret for
10 the entire jury what it really requires. There is no bottom
11 line to look at and get an answer on those documents. We would
12 like have to individual experts.

13 THE COURT: Mr. Bloom is his name.

14 THE COURT: Mr. Bloom, would you be available this
15 afternoon for the taking of a deposition.

16 MR. BLOOM: Yes, I can.

17 THE COURT: I appreciate your making yourself
18 available. You can return now, and we will have them come to
19 your office to take whatever depositions necessary or tell you
20 where to meet.

21 (Jury entered.)

22 THE COURT: Ladies and Gentlemen, has everyone on the
23 jury meticulously obeyed the Courts order to not read anything
24 about this case in the newspaper or listen to radio or watch
25 anything on television. No problem with that one.

1 Counsel, you may proceed.

2 MR. LANE: We would like to read another deposition at
3 this time.

4 THE COURT: Same instructions, Ladies and Gentlemen.
5 It would be true as to any of the depositions.

6 MR. LANE: This is a deposition of John O. Lumpkin,
7 III, taken on the twenty-nine day of May, of last year at 10:00
8 o'clock in the office of the Associates Press at 2100 Southland
9 Life Tower, in the city of Dallas Texas.

10 And present with Mr. Snyder, the Plaintiff and myself
11 asking questions of the outset direct examination for the
12 defendant in this case.

13 "QUESTION: What is your full name, sir?

14 "ANSWER: Full name is John O. Lumpkin, III.

15 "QUESTION: What is your present occupation?

16 "ANSWER: I am the Dallas Chief of Bureau for
17 the Associated Press.

18 "QUESTION: How long have you held that
19 position?

20 "ANSWER: Two years.

21 "QUESTION: Pursuant to an official notice
22 served upon you by me, did you make a search
23 of your records in reference to an article
24 published by the Associated Press in Dallas
25 on August 22nd, 1978?

1 "ANSWER: I did not personally make the search
2 because we would not have a copy of the
3 article on premises here. However --

4 "QUESTION: What did you do?

5 "ANSWER: However, to be responsive to your
6 request, we asked our corporate headquarters
7 to make a search there and that was done.

8 "QUESTION: What did you discover?

9 "ANSWER: We found a copy of the story in
10 electronic archive called Nexis, N-E-X-I-S,
11 which we have an agreement with to store
12 electronically our A-wire, that's upper case
13 A, and then wire.

14 "By way of explanation, the A-wire is the
15 wire that contains the top national and
16 international non-sports news stories for the
17 AP, and I have a copy of what came out of the
18 Nexis archive here with me.

19 "QUESTION: May I see that, please?

20 "ANSWER: Sure."

21 MR. LANE: May we mark this, please, as Exhibit A.
22 (At this time Exhibit A was marked for
23 identification.)

24 "QUESTION: This Exhibit A then which was
25 discovered as a result of your request is

1 dated August 21st, 1978 and was written by
2 * Tom Decola, Associated Press writer; is that
3 correct --

4 "ANSWER: That's what the copy that I have
5 indicates.

6 "QUESTION: Yes. Where was this document
7 circulated by the Associated Press?

8 "ANSWER: I cannot tell you specifically since
9 I was not here in 1978 nor would there be any
10 logs or other type of daily sheets that show
11 the routing. Because I know where the A-wire
12 goes in general, I can offer an assumption,
13 but I do not literally know.

14 "QUESTION: Well, you don't know the name of
15 any specific newspapers perhaps; is that
16 correct?

17 "ANSWER: No, and I wouldn't.

18 "QUESTION: But in the regular course of
19 business where would this A-wire document
20 have been sent to in general, just in general
21 terms.

22 "ANSWER: In general terms it would have been
23 sent or offered to several hundred daily
24 newspapers in the United States.

25 "QUESTION: Would it go to radio stations?

1 "ANSWER: Possibly so, although I would not
2 have any record of that.
3 "QUESTION: Would it also go to television
4 stations?
5 "ANSWER: Possibly so.
6 "QUESTION: Would it also go to magazines?
7 "ANSWER: That I can't tell you because I
8 don't know if any magazines are subscribers
9 of the A-wire.
10 "QUESTION: Would it go to weekly newspapers?
11 "ANSWER: I doubt it, in the sense that it
12 would have been transmitted on August 21 to a
13 weekly newspaper. I don't know of any weekly
14 newspapers in Texas, for example, that take
15 the A-wire.
16 "We have some weekly newspapers that are
17 members of the Associated Press and as such
18 they republication rights to any AP articles
19 that appear in the daily newspapers members.
20 "QUESTION: All right. Would it also go to
21 any publication outside of the United States?
22 "ANSWER: That is possible, although I would
23 not know that here. We have a service for
24 foreign subscribers which is a distillation
25 of news in the United States. It varies from

1 country to country and it depends on what
2 might be of specific interest in that
3 country."

4 "QUESTION: Once this document is sent out,
5 apparently on August 21st, 1978, who has the
6 right to publish in whole or in part or
7 quote from it?

8 "ANSWER: Members of the Associated Press that
9 subscribe to the level of service that the
10 story was transmitted on, and that is in
11 this case the A-wire.

12 "QUESTION: Would radio stations and
13 televisions have the right to quote from it
14 once it was published?

15 "ANSWER: Well, without going into too much
16 detail about our operations, the answer to
17 your question is in general, yes. The radio
18 wire of the time, perhaps it would be better
19 to call it the broadcast wire, is in a
20 different format, yet we use the same news,
21 and I don't have any records here of what
22 version may have gone out on the AP broadcast
23 wires.

24 "In general, the top national stories
25 would go on the broadcast wire around the

1 country, but I cannot tell you whether the
2 specific story was rewritten in a broadcast
3 version to go on that wire.

4 "QUESTION: I am just asking if radio and
5 television stations would have the right to
6 publish this?

7 "ANSWER: You mean broadcast it."

8 "QUESTION: Well, yes.

9 "ANSWER: Well, yes, if it was a part of our
10 broadcast wire service, and the chances are
11 that it probably was, I just can't tell you
12 for sure.

13 MR. LANE: Would you mark this Exhibit B.

14 (At this time Exhibit B was marked for
15 identification.)

16 "QUESTION: I' am going to show you a
17 document marked Exhibit B, Mr. Lumpkin, and
18 tell you that we discovered that in the
19 Library of Congress in the New York Times
20 Index, apparently the New York Times was on
21 strike at that time and this was published
22 by the New York Times as its newspaper for
23 the day that it was on strike. Can you
24 compare that document with the Exhibit A?

25 "ANSWER: I am reading the thing twice

1 "QUESTION: There are some duplication?

2 "ANSWER: Yeah, because you had to make copies
3 and the page on the copier was not big
4 enough.

5 "QUESTION: Exactly.

6 "ANSWER: It would appear that the two
7 articles are the same, the difference being
8 only in format, that the one I provided you
9 is from electronic archive that has the
10 format to conform with the computer storage,
11 and the copy you gave me is an actual copy
12 from a teleprinter.

13 "MR. LANE: I have no further questions. Thank you
14 very much, Mr. Lumpkin.

15 "CROSS EXAMINATION

16 "BY MR. SHYDER:

17 "QUESTION: Mr. Lumpkin, were you in this
18 office in August of '78?

19 "ANSWER: No.

20 "QUESTION: Does Tom Decola still work for AP?

21 "ANSWER: No.

22 "QUESTION: Do you know where he is?

23 "ANSWER: The last -- no, I don't literally.

24 The last I heard he worked for Conoco in
25 public relations.

1 "QUESTION: Did he leave AP voluntarily?"

2 MR. LANE: There was an objection, but I will
3 withdraw the objection for purpose of the record. I will go
4 back to the question.

5 "QUESTION: Did he leave AP voluntarily?"

6 "ANSWER: Yes, as far as I know.

7 "QUESTION: What are the criteria for the AP's
8 decision to reprint a story that would appear
9 in a place like Wilmington, Delaware?

10 "This quotes extensively from a
11 Wilmington, Delaware News-Journal article,
12 and my question is what are your criteria for
13 putting that on your wire?

14 "QUESTION: You can go ahead and answer.

15 "ANSWER: Do you want to rephrase the question
16 then, or restate it, I'm sorry.

17 "QUESTION: Let me get right to the heart of
18 it. When you put this your A-wire complete
19 with the prior story of the Wilmington,
20 Delaware paper, were you saying in any sense
21 saying that the Wilmington paper's article
22 was true.

23 "MR. LANE: I object to that as irrelevant.

24 "BY MR. SNYDER:

25 "ANSWER: I cannot answer that specifically

1 for your purpose because I was not involved
2 in the decision to assign the story, edit the
3 story, choose to send it to our New York
4 office, to offer it for our national wire or
5 in the decision to put it on the national
6 wire

7 "QUESTION: Well, take a look at the article
8 itself and tell me whether in your opinion as
9 a long time employee and newspaper bureau
10 chief of AP you feel that AP adopted the
11 Wilmington paper's theories about the Kennedy
12 assassination or whether or simply quoted
13 them, paraphrased them.

14 "MR. LANE: I object to the question.

15 "ANSWER: Well, I have to say the latter, my
16 reading of this. If you ask for my opinion
17 as opposed to whether or not I have any
18 specific knowledge about the article in
19 point, my opinion is that we did not adopt
20 the viewpoint of the Wilmington paper.

21 "The Wilmington paper published a story
22 and we quoted from it, clearly identifying
23 what the Wilmington paper said with an
24 attribution to the Wilmington paper, and my
25 opinion is that once the article from

1 Wilmington was in a sense in the public
2 domain is that we may have been seeking
3 legitimate reaction here in Dallas. But that
4 in no way lends weight or truthfulness to
5 one statement or claim or another.
6 "QUESTION: The story, in fact, was CIA
7 Director Turner's reaction to the story?
8 "MR. LANE: I object to that. The article speaks for
9 itself.
10 "ANSWER: If, indeed, this as a proper
11 question, yes, my reading is that this story
12 was a story about Turner's reaction to the
13 Wilmington article.
14 "QUESTION: Has the Associated Press, to your
15 knowledge, in the years you've been
16 associated with it ever published its own
17 opinion or theory that the United States
18 Government in some way engineered the
19 assassination of President Kennedy.
20 "MR. LANE: I object to the question as irrelevant.
21 "ANSWER: No.
22 "QUESTION: They have not published that kind
23 of theory?
24 "ANSWER: Not to my knowledge.
25 "QUESTION: And when I say the United States

1 Government, that would --

2 "ANSWER: Now, wait. Let me interrupt here.

3 The answer to your question is no, not to my
4 knowledge, but let me make sure that I
5 understand what you said.

6 "We don't publish our own opinions or our
7 own commentary or our own thoughts about an
8 issue. Our mission as stated in our by-laws
9 and our articles of incorporation is to
10 provide objective news accounts, and these
11 are clear of any opinion about the AP as an
12 organization itself.

13 "In other words, your question could be
14 answered a couple of different ways. What I
15 am trying to do is provide for the
16 possibility that we may have quoted someone
17 somewhere who issued a report or made a
18 statement such as you described, but I cannot
19 remember it.

20 "QUESTION: Does AP act as a clearing house
21 for getting the stories from one of its
22 member papers into the general circulation of
23 all members, is that part of your function?

24 "ANSWER: That is part of our function.

25 "QUESTION: You said you tried to provide

1 objective stories about events?

2 "ANSWER: That is correct.

3 "QUESTION: Has there been an objective story
4 by AP in any way saying that the United
5 States Government engineered the killing of
6 President Kennedy to your knowledge?"

7 MR. LANE: I objected. I withdraw the
8 objection.

9 "ANSWER: Not to my knowledge, and by
10 objective I think you would -- well,
11 Discontinue that thought. Not to my
12 knowledge.

13 "QUESTION: Based on your knowledge of
14 procedures in the AP, would it be likely that
15 Tom Decola didn't interview Director Turner
16 when he wrote the story or would he simply
17 have written up the notes of some other
18 reporter or writer?

19 "ANSWER: It's possible he would have written
20 up the notes of some other reporter, but if
21 you are asking my opinion, it appears he was
22 quoting directly from Turner. That's only an
23 opinion because I don't know what happened in
24 the story because I was not here.

25 "QUESTION: Do all AP stories have bylines?

1 "ANSWER: No.

2 "QUESTION: Does the fact that Mr. Decola had
3 a byline for this story lend weight to your
4 belief that he probably did the interview
5 with Turner?

6 "ANSWER: Yes.

7 "QUESTION: And it's your testimony that the
8 putting of this story on the A-wire in no way
9 implies agreement with the Wilmington,
10 Delaware News-Journals article; is that a
11 fair statement."

12 MR. LANE: I object to the question.

13 "ANSWER: That is a fair statement; and
14 further, it in no way implies there is an
15 agreement on the part of the AP with
16 statements of CIA Director Turner."

17 MR. LANE: That completed Mr. Snyder's cross
18 examination, and then I began redirect examination.

19 "REDIRECT EXAMINATION

20 "BY MR. LANE:

21 "QUESTION: I'd like to go to the fourth
22 paragraph of the story sent out by AP on the
23 Lexis Nexis memo which reads that, "There are
24 theories that Hunt was seen on the 'grassy
25 knoll' adjacent to the old Texas School Book

1 Depository from which the Warren Commission
2 concluded Lee Harvey Oswald, acting alone,
3 fired three rifle shots into the Kennedy
4 motorcade."

5 "That sentence came neither from Turner
6 nor from the Wilmington, Delaware
7 News-Journal; is that not correct?

8 "ANSWER: I cannot say yes or no

9 "QUESTION: There is nothing in that sentence
10 to say Turner offered the statement or that
11 that statement came from the News-Journal; is
12 that correct?

13 "ANSWER: That's correct.

14 "QUESTION: And it appears an Associated Press
15 statement as to the existence of theories on
16 its face; is that correct?

17 "ANSWER: Well, what it appears to be and what
18 it is I can't say other than the fact that it
19 appeared in the story. I don't know where it
20 came from and would even hesitate to form an
21 opinion

22 "QUESTION: It is not cited as a sentence
23 which came from the News-Journal, is it?

24 "ANSWER: Let me help you with this. In that
25 specific paragraph taken in and of itself,

1 there is no attribution which would give you
2 an clue as to where the writer of the article
3 got it from. -

4 "QUESTION: Fine. Now, let's go to the next
5 paragraph. "On Sunday, audio experts working
6 for the House Select Committees on
7 Assassination fired rifle shots from the
8 depositor" -- I take it that should be
9 depository -- quoting again, "and rifle and
10 pistol shots from a fence behind the knoll
11 into sand bags simulating Kennedy's positions
12 when the shots were fired. There is nothing
13 in that sentence either to indicate that the
14 source was the News-Journal of Wilmington,
15 Delaware; is that correct?

16 "ANSWER: There is nothing in that sentence
17 that indicates that the source of that is the
18 Wilmington News-Journal.

19 "QUESTION: All right. Look at the next
20 paragraph in the next sentence. The project
21 was triggered by discovery of audio 'blips'
22 on a recording made accidentally when a
23 Dallas motorcycle officer's radio microphone
24 stuck in the open position during the
25 assassination.

1 "Some people have said the reporting
2 indicates more than three slots were fired
3 and that Oswald therefore did not act alone.
4 There is nothing in that paragraph comprised
5 of two sentences which indicates that the
6 information came from the News-Journal of
7 Wilmington, Delaware; is that correct?

8 "ANSWER: There is nothing in that paragraph
9 by way of attribution that indicates it came
10 from the Wilmington article.

11 "QUESTION: Now, the next paragraph reads
12 according to the paper, the 1966 memo, now in
13 hands of the House Select Committee of
14 Assassination was initialled by Richard M.
15 Helms, former CIA director, and James J.
16 Angleton former CIA counter-intelligence
17 chief.

18 "Now, there it appears that the
19 Associated Press is attributing that
20 information to the News-Journal of Wilmington
21 Delaware; is that correct?

22 "ANSWER: It appears to be so because no other
23 newspaper is mentioned in the preceding
24 paragraphs.

25 "QUESTION: All right. And now the next

1 sentence, sources close to the committee were
2 quoted by the paper as saying the memo
3 reveals-Helms-and Angleton discussed Hunt's
4 presence in Dallas, and that his presence had
5 to be kept secret because it would be
6 damaging to the agency should it leak out.
7 Would you say that appears to have been a
8 statement which came from the News-Journal of
9 Wilmington, Delaware?

10 "ANSWER: It appears to be.

11 "QUESTION: The alleged memo also says giving
12 Hunt an alibi ought to be considered.
13 Turner said Hunt was a former employee of
14 ours.

15 "Does the information in that first
16 sentence appear to come from the Wilmington
17 News-Journal; that is, the reference to the
18 alleged memo.

19 "ANSWER: You're asking for my opinion here?

20 "QUESTION: Yes.

21 "ANSWER: My opinion is it appears to be
22 because we make no other reference in this
23 story to the memo except in the context of
24 the story in the Wilmington News-Journal.

25 "QUESTION: Okay. Next sentence, Hunt, now

1 living in Miami, denied he was in Dallas on
2 November 22nd, 1963, saying he was in
3 Washington and took off at noon that day and
4 went shopping and had a Chinese dinner in
5 downtown Washington, D.C. with his wife.

6 "Is there anything in that sentence which
7 indicates the source is the News-Journal of
8 Wilmington?

9 "ANSWER: No, there is not any specific
10 attribution to the Wilmington News-Journal in
11 that paragraph if it is taken standing alone.

12 "QUESTION: However, the News-Journal quoted
13 CIA sources as saying Hunt's story about
14 being in Washington was a cover story
15 concocted as a result of the memo. That
16 apparently, would you say, is from the
17 News-Journal story of Wilmington?

18 "ANSWER: Apparently so because the
19 attribution is specific in that paragraph.

20 "QUESTION: Now, in the next paragraph, "Dawn
21 Miller, spokeswoman for the assassinations
22 committee, said there be would no comment on
23 the report of the memo.

24 "The panel is due to begin hearings on
25 the Kennedy assassination next month. Is

1 there anything in that sentence of the
2 * paragraph that the source of the information
3 contained therein is the Wilmington, Delaware
4 News-Journal?

5 "ANSWER: No, there is no specific attribution
6 to the News-Journal.

7 "QUESTION: Any general attribution at all?

8 "ANSWER: The attribution that is in the
9 paragraph is to Dawn Miller, spokeswoman for
10 the assassinations committee.

11 "QUESTION: The last sentence in the article,
12 "Turner said, it was 'always possible' that
13 such a memo may have been removed from all
14 files, but that it was 'highly unlikely'
15 because of the numbers of copies made of such
16 correspondence".

17 "Is there anything in that last sentence
18 which indicates that the source for the last
19 sentence in the AP wire story of August 21st,
20 1978 was the just News-Journal of Wilmington,
21 Delaware?

22 "ANSWER: No, nothing to indicate that the
23 source was the News-Journal.

24 "QUESTION: And, in fact, is it your testimony
25 that probably the source was Mr. Turner

1 himself and apparently was in Dallas on
2 August 21st, 1978?

3 "ANSWER:-- My testimony is that I don't know
4 that Turner was a direct source because I was
5 not here. However, rather than use the
6 word probably I would use the word it
7 appears that Turner was the source of that
8 statement in that last paragraph."

9 "MR. LANE: I have no further questions. Recross
10 examination questions by Mr. Snyder. .

11 "RECCROSS EXAMINATION

12 "BY MR. SNYDER:

13 "QUESTION: Mr. Lumpkin, in response to some
14 of Mr. Lane's questions about these isolated
15 sentences you have said if you consider that
16 sentence in isolation it didn't appear to be
17 to quoting from the Wilmington paper.

18 "My question to you is, is it possible
19 and indeed probable that everything in this
20 story except for the Turner quotes is a
21 recopy of the Wilmington article, and I call
22 your attention to the fact that it begins
23 with saying, The Wilmington, Delaware
24 News-Journal reported Sunday, and so forth,
25 it ends with more quotes from the Wilmington

1 paper and throughout is interspersed with
2 according to paper," end quote. In other
3 words ---

4 "ANSWER: No, I don't know what your question
5 is.

6 MR. LANE: I objected, and withdraw it now.

7 "ANSWER: It is possible that some of the
8 information in the isolated paragraphs which
9 do not contain in and of themselves specific
10 attribution to the Wilmington News-Journal is
11 indeed from the News-Journal article. I
12 don't think you can say or we can concluded
13 here in any way that it is probable.

14 "Some of the paragraphs are given as a
15 way of background, they are a review of the
16 situation to make the news statement but
17 Turner understandable in the context.

18 "There is one exception to what you in
19 that paragraph about "On Sunday, audio
20 experts working for the House Select
21 Committee on Assassination fired rifle
22 shots," and for so forth, the article in the
23 News-Journal according to the story appeared
24 Sunday, and there would not have been any way
25 that the article in the News-Journal, I

1 wouldn't think, could have reported something
2 from the future. Do you see what I am
3 saying?--

4 "QUESTION: Yes.

5 "ANSWER: But the other references, since I
6 don't have the article from the News-Journal
7 in front of me and all I have is this AP
8 article, it's possible. Is that responsive?

9 "QUESTION: So if an AP writer is quoting from
10 some other source and saying that they made
11 five points, for example, when he started to
12 list the five points he wouldn't have to
13 continually and sort of parrot-like fashion
14 say, "according to this paper," "according to
15 this paper"?

16 MR. LANE: I objected, and I withdraw the objection.

17 "ANSWER: No, it's not absolutely necessary to
18 continue to repeat the specific attribution
19 paragraph after paragraph in a news story
20 where you're dealing with background.

21 "You attribute where it makes the story
22 more understandable and it makes it
23 understandable to the reader where specific
24 information came from. We don't know, or I
25 don't know sitting here how much of all of

1 this information was in the public domain and
2 • taken about or discussed or written about in
3 August of 1978 and how much was somewhat
4 common knowledge among people who followed
5 this issue or who would read an article about
6 it.

7 "QUESTION: The paragraph that begins, "There
8 are theories that Hunt was seen on the grassy
9 knoll," and so forth. Even if that is not a
10 quote or a paraphrase of the Wilmington
11 News-Journal article, is it your testimony,
12 do I understand you correctly that the AP is
13 not subscribing to that as their theory or
14 indeed saying that it is a credible theory?

15 "ANSWER: My testimony would be that with my
16 knowledge of the AP and the practices that I
17 follow, that the simple statement that there
18 are theories, quote, unquote, does not imply
19 that the AP is attaching any credibility to
20 any of the theories.

21 "QUESTION: And likewise, two paragraphs down
22 where another opinion is ventured, "Some
23 people have said the recording indicates more
24 than three shots were fired," again by saying
25 you're not adopting that as your own theory

1 or even saying that some people know what
2 they're talking about; is that correct?"

3 MR. LANE:- Objection, and I now withdraw it.

4 "ANSWER: That's correct. We are stating in this
5 story that some people have made such a statement and
6 that's as far as it goes."

7 MR. LANE: There are a few pages of redirect
8 by me and recross by Mr. Snyder. Perhaps we can agree, it is
9 ground which we have already covered and there is no need for
10 it and it is boring.

11 MR. SNYDER: Two more pages, I would like to have it
12 read.

13 "REDIRECT EXAMINATION

14 "BY MR. LANE:

15 "QUESTION: The fourth paragraph which reads,
16 "There are theories that Hunt was seen on the
17 'grassy knoll' adjacent to the old Texas
18 School Book Depository from which the Warren
19 Commission concluded Lee Harvey Oswald,
20 acting alone, fired three rifle shots into
21 the Kennedy motorcade."

22 "That is a statement by the Associated
23 Press, is it not, that in August of 1978 that
24 there were theories that Hunt had been seen
25 on the grassy knoll back in 1963.

1 "ANSWER: That is a statement in a story
2 carried by the AP that says in my opinion
3 such theories exist.

4 MR. LANE: Fine. No further questions.

5 "RE-CROSS EXAMINATION

6 "BY MR. SNYDER:

7 "QUESTION: Mr. Lumpkin, has the AP
8 independently through its own reporters and
9 sources investigated the Kennedy
10 assassination?"

11 MR. LANE: I objected, but I withdraw it now.

12 "ANSWER: I am not qualified to answer that in
13 the sense that investigative reporting means
14 different things to many different people.
15 We have not launched an independent
16 investigation to draw our own conclusions
17 about what may or may not have happened to my
18 knowledge.

19 "We have since 1963 report on the
20 progress and results and conclusions of
21 others' investigations, and as such may have
22 contacted the people involved in the
23 investigation, but I don't think that is what
24 you would mean by an independent
25 investigation.

1 "QUESTION: Does the AP as an entity or
2 institution have a point of view as to the
3 identity of Kennedy's killers.

4 MR. LANE: I withdraw the objection.

5 "ANSWER: Oh, I would say absolutely not.

6 (At this time the deposition of John Lumpkin,
7 III was concluded.)

8 (Thereupon, Mr. Ted Chechak's deposition was read to the
9 jury.)

10 MR. LANE: I have no further questions. That
11 is the end of that deposition.

12 I now call Mr. Hunt.

13 THE COURT: You are still under oath. Have a seat.

14 DIRECT EXAMINATION

15 BY MR. LANE:

16 Q Do you recall testifying after the Bay of Pigs Alan Dulles
17 was cast to the wolves?

18 A I cannot recall a specific occasion, but I certainly
19 subscribe to that sentiment, yes.

20 Q You testified to that in those words at this trial, did you
21 not, on your direct examination?

22 A Yes, sir.

23 Q Was it the Kennedy administration headed by President John
24 F. Kennedy who cast Alan Dulles to the wolves?

25 A It was the Kennedy administration, yes. Mr. Dulles was

1 made the escape goat for the Bay of Pigs, Bay of Pigs failer.
2 Q Was it Kennedy who fired Dullus as director because of the
3 Bay of Pigs? -- --
4 A I have no knowledge who actually fired Mr. Dulles.
5 Q Were you working for the CIA when Mr. Dulles was fired?
6 A I was.
7 Q He was your director?
8 A He was the overall director of the agency, yes.
9 Q You don't recall now who fired him?
10 A No, I imagine that was a private matter between Mr. Dulles
11 and whoever decided to dispose of him.
12 Q Did you read the newspapers at that time when Director
13 Dulles was fired?
14 A I must have.
15 Q Did you feel that it was wrong to fire Alan Dulles?
16 A Well, I felt in one sense it was very wrong, on the other
17 hand this new administration needed an escape goat. Mr. Dulles
18 told me that. Mr. Dulles certainly accepted it, and to my
19 knowledge never complained or expressed any resentment or
20 really any reaction to it.
21 It was one of those things. The operation was a
22 failure and Mr. Dulles was given the responsible for the
23 failure and he accepted it, and said nothing further about it.
24 Q By the use of the phrase that the Kennedy administration
25 cast Alan Dulles to the wolves, is that an indication on your

1 part of disapproval of what President Kennedy did to your
2 director?

3 A My personal disapproval, yes.

4 Q Then later is it not true that Alan Dulles became a member
5 of the Warren commission looking into the assassination of
6 President Kennedy?

7 A I so understand, yes.

8 Q He was also going to investigate the charges as to whether
9 the CIA, which he was the director of shortly before President
10 Kennedy was killed, whether they were involved, right?

11 A I have no personal knowledge of that, sir.

12 Q I am showing your counsel at this time Defendants' JJ for
13 identification. Front page and another page of the Washington
14 Post, and I will be asking you questions about it in just a
15 moment.

16 (Discussion at Sidebar.)

17 MR. SNYDER: Your Honor, this proposed exhibit is
18 something that could have gone into during Mr. Lane's very,
19 very extensive cross examination of Mr. Hunt. It is not proper
20 redirect examination examination.

21 MR. LANE: It is not redirect.

22 MR. DONNELL: If he did go through the statement about
23 Mr. Hunt blackmailing, he wants, to read it.

24 MR. LANE: This is not redirect. This is direct. I
25 am calling him as my witness. This is the very area the Court

1 said I should go into with Mr. Hunt as my own witness when the
2 plaintiff objected.

3 THE COURT: Any other objection?

4 MR. DONNELL: It is repetitive.

5 THE COURT: Objection noted. Overruled.

6 (Sidebar conference concluded.)

7 BY MR. LANE:

8 Q I am showing you the front page of the Washington Post and
9 Page 15 of the Washington Post where the story began on the
10 first page, dated June 15, 1973, is that correct?

11 A Yes. That is what it purports to be.

12 Q There is an indication it is a certified copy from of
13 Library of Congress that is, in fact, an accurate copy?

14 A Yes.

15 Q Have you seen this story before?

16 A No.

17 Q On the front page there is a story that is Hunt's alleged
18 to blackmail the White House, is that correct?

19 A That is what the caption says, yes.

20 Q Did you ever file a lawsuit against the Washington Post for
21 having made that statement?

22 A No. I was in prison at the time.

23 Q Did you ever have a letter sent to the Washington Post
24 stating that statement was untrue?

25 A I don't recall doing so.

1 Q You have testified that one of the ways you were liabled by
2 Spotlight is a reference to the fact that in one sentence that
3 you had been involved in an effort to blackmail the CIA, is
4 that correct?

5 A We are talking two different things, blackmailing the White
6 House and blackmailing the CIA.

7 Q I am talking about one thing?

8 A Re-state that, please.

9 Q I am asking you did you testify during your direct
10 examination that a false, outrageous statement published by
11 Spotlight was that it had been said that you had tried at one
12 time to blackmail the CIA?

13 A Yes, sir.

14 Q Are you stating that is false and outrageous because it was
15 really the White House you were trying to blackmail rather than
16 the CIA?

17 A No. Outside of some press allegations I don't know that
18 there were of any serious allegations certainly prosecutorial
19 statements made that I blackmailed anybody.

20 Q At any time did you read either this story or the substance
21 of the story published anywhere else in which it was reported
22 in the press that testimony of the Watergate hearings has
23 established obstruction of justice was contemplated immediately
24 after June arrest of the democratic headquarters; another,
25 fact, however, according to the source was that from the

1 beginning Hunt was blackmailing the White House, the source
2 added, and then for quotation inside the article the White
3 House officials went along, in fact, it is Hunt's demand and
4 treats that make the case a clear example of obstruction of
5 justice.

6 Hunt was being paid to keep quiet. it demolishes the
7 argument the money was just the lawyers fees and care for the
8 families of the defendant.

9 Sources said without the crucial element of the
10 conspirator clearly being paid for silence would be difficult
11 to prove obstruction of justice on any ones part in connection
12 with the payments of the defendants, and on and on, did you
13 ever read any of that published anywhere in the U.S.?

14 A Not to my recollection, no.

15 A I was imprisoned at that period.

16 Q I understand that.

17 MR. LANE: I offer this in evidence, Your Honor, not
18 to prove the truth of the statement but to prove they were, in
19 fact, published.

20 THE COURT: Any objection to the limited basis?

21 MR. SNYDER: We would like the article cut down to
22 show the article Mr. Lane is referring to.

23 MR. LANE: No objection to that. I don't think there
24 is.

25 THE COURT: Without objection we will receive it as

1 Defendants what exhibit.

2 *MR. LANE: JJ.

3 THE COURT: JJ in evidence. Remember the limited
4 purpose we received the other documents that applies to this
5 document.

6 BY MR. LANE:

7 Q Did you have an interview with Mr. Weberman while you were
8 in prison?

9 A No.

10 Q Never did?

11 A No. For the record that is Alan J. Weberman.

12 Q Yes. Did Mr. Hunt ask for sums of money from the White
13 House under the threat of informing against a violation of the
14 law if you were not given sums of money?

15 A This was a rather lengthy period of time. The White House
16 agents had made certain offers to the group of people who were
17 under indictment, and when those offers -- those undertakings
18 were not kept, then I and I believe others asked that they be
19 kept.

20 Q Did you state in the letter, that we have gone over
21 previously, in essence you knew about conspiracies, highly
22 illegal conspiracies that with all provable and that you should
23 be paid?

24 A Yes.

25 Q Have you not testified at one the Watergate trials, in

1 fact, that you were actually going to receive money in order to
2 remain silent and you said that was not blackmail, do you
3 recall testifying in that fashion?

4 A I am sorry. Testifying at a Watergate trials to that
5 effect.

6 Q Yes. I read it to you on cross. Do you remember that?

7 A We have gone over this, I cannot recall. I will except
8 your statement to that effect.

9 Q I am going to show you a document I have shown to your
10 counsel. It is the United States Code annotated Title 18, and
11 it is the Laws of the United States, and I directing your
12 attention to Section 873, blackmail?

13 A I believe you read this to me previously, did you not?

14 Q No, I read a Florida statute.

15 THE COURT: Just answer his question?

16 BY MR. LANE:

17 A Is there a question pending or do you want me to look at
18 this.

19 Q I would like you to read that and tell me if that is Title
20 18, 873 United States Code annotated dealing with the Federal
21 Crime of Blackmail?

22 A Yes, it is.

23 Q Is the Federal Crime of Blackmail the defined as follows:
24 Section 873, Title 18 blackmail, whoever under a threat of
25 informing or has consideration for not informing against any

1 violation of any law of the United States, demands or receives
2 any money or other valuable things shall be fined not more than
3 \$2,000 or imprisoned not more than one year or both.

4 If that is the definition of blackmail, did you, in
5 fact, blackmail the White House?

6 A No, I did not.

7 MR. LANE: I offer this in evidence, Your Honor.

8 MR. SNYDER: Objection.

9 THE COURT: Grounds.

10 MR. SNYDER: Mr. Hunt was never charged with
11 blackmail. There is no relevance.

12 THE COURT: Overruled on the grounds stated received
13 it.

14 THE COURT: What number.

15 MR. LANE: KK.

16 THE COURT: KK in evidence for the defendant.

17 BY MR. LANE:

18 Q You never were charged or indicted for blackmail, were
19 you?

20 A No.

21 Q You were never indicted for any of the perjury that you
22 testified you had committed, is that correct?

23 A That's correct because I perjured myself in public Court,
24 made full explanation of the circumstances of any falsehoods at
25 the time I was a part of the Watergate cover-up, yes.

1 Q You feel therefore you should not have been prosecuted?
2 A Yes, that is my feeling.
3 Q Would it be equivalent to say anybody caught and pleads
4 guilty to a crime should not be prosecuted because they pleaded
5 guilty?
6 A That calls for legal conclusion.
7 Q That's correct. Would you say the Washington Post defamed
8 you of that article?
9 A Well, I have not read the article in detail, again
10 deformation is a matter of legal interpretation. I would say
11 that they had the facts quite wrong.
12 Q They said you blackmailed the White House, were they wrong
13 when they said that?
14 A Yes, they were.
15 Q Was it false?
16 A It was false.
17 Q Was it defamatory?
18 A If defamatory and false are the same, yes.
19 Q Have you been defamed in the Miami Herald?
20 A Recently?
21 Q Any time frame. Would you like to discuss, let's say,
22 within the last year?
23 A The only thing that comes to mind, sir, is a recent, and I
24 think I maybe referring to newspaper article yes.
25 (Sidebar conference as follows:)

1 THE COURT: Are you trying to get -- are you trying to
2 get to that statement last week?

3 MR. LANE: Which one was that?

4 THE COURT: Where they made a retraction?

5 MR. LANE: No. Knowing this is half year ago.

6 MR. DONNELL: What is that what the answer would be.

7 MR. LANE: I will be specific.

8 (Sidebar conference concluded.)

9 BY MR. LANE:

10 Q Did you make a speech in on May 23, 1984 in Miami?

11 A I made so few, I ought to remember that. Could you tell me
12 where it was.

13 Q Yes. The Miami Shores Federal Republican Women's Club?

14 A Yes.

15 Q Your wife is the head of that organization?

16 A She is now.

17 Q She was at that time?

18 A No.

19 Q If the Miami Herald reported it at that time that is the
20 next day, May 24, 1984 the organization was headed by his wife
21 Laura referring to you then the Miami Herald made a mistake, is
22 that correct?

23 A That's correct.

24 Q When you made that speech, did you say that the World
25 Counsel of Churches was a greater danger to America survival

1 than satin?

2 A No. I cannot recall what the quote was, but inasmuch as
3 the entire speech was tape recorded by the reporter. I had
4 occasion later to call Mr. Cerabinoi whatever his name was, to
5 the inaccuracies here, both verbally and I wrote a letter to
6 the Herald.

7 Q Did you say during that speech that the U.S.S.R. are among
8 the largest of the left wing foundations and the pro Soviet
9 actauism of the far left lobby...

10 A I probably did.

11 Q Which includes senators, and congressmen, broad segments of
12 the religious community and perhaps above all the American
13 Communications Media, did you say that?

14 A Yes.

15 Q That was in May of last year?

16 A May of '84, -yes.

17 Q Who are the members of the senate, who the Soviet Union
18 could count on?

19 A I felt the late Senator Frank Church was one.

20 Q He was not alive in '84, was he?

21 A He died maybe '83.

22 Q Who was alive when you made the speech? Who were you
23 referring to when you say, which includes senators and
24 congressmen, as people the Soviet Union could count upon for
25 the detriment of the America people?

1 MR. SNYDER: I object to it on relevance.

2 THE COURT: Objection sustained.

3 BY MR. LANE: -- --

4 Q Did you write a letter to the Miami News protesting the
5 article in the Miami Herald?

6 A I am not sure.

7 MR. SNYDER: Objection.

8 THE COURT: Grounds.

9 MR. LANE: Which he claims the story.

10 THE COURT: The grounds for the objection.

11 MR. SNYDER: Objection for the same reason as we
12 objected to the preceding one, relevance.

13 THE COURT: I don't know what the question is yet.
14 Overruled.

15 BY MR. LANE:

16 Q Let me show you an article of the Miami Herald of May 24th,
17 1984, marked Defendants' LL, and ask you if in this article the
18 Miami Herald published factually worthless material about you?

19 MR. SNYDER: Objection.

20 THE COURT: Sustained.

21 MR. LANE: May I know the reason.

22 THE COURT: I don't think it is relevant under the
23 questions the way you propound it.

24 BY MR. LANE:

25 Q I ask you if you have seen Defendant's Exhibit LL prior

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today?

A Yes.

Q Do you feel that article defames you?

MR. SNYDER: Objection.

THE COURT: Sustained.

BY MR. LANE:

Q Have you stated this article defames you?

MR. SNYDER: Objection.

THE COURT: Overruled.

THE WITNESS: Well, if you will bear with me I will
read the article here.

BY MR. LANE:

Q Please take your time.

A All right.

Q Does that contain the article you just read in the Miami
Herald contain false allegations about you?

MR. SNYDER: Objection.

THE COURT: Sustained.

BY MR. LANE:

Q Does it defame you?

MR. SNYDER: Objection.

THE COURT: Sustained.

BY MR. LANE:

Q Have you stated in a letter or any other information that
it contains false information about you?

1 MR. SNYDER: Objection.

2 THE COURT: Overruled.

3 THE WITNESS: I believe earlier I said when the
4 article appeared by Cerabinoi I got in touch with him and
5 verbally and by letter I objected to certain misstatements he
6 made in the article.

7 BY MR. LANE:

8 Q Did you send a letter to the Miami News, which was
9 published on June 7th of last year, in which you said that the
10 article in front of you, the Miami Herald piece of May 24th,
11 was so garbeled to be factually worthless, and that, in fact,
12 it was an inaccurate account?

13 A Yes.

14 Q Is it your position that that is an inaccurate account and
15 false statement about you?

16 A It is an inaccurate account, and as my letter said things...
17 which is self explanatory so garbeled to be factually
18 worthless.

19 Q Did the Miami Herald ever reprint a retraction?

20 A Not to my knowledge. No retraction was ever requested of
21 them.

22 BY MR. LANE:

23 Q I am showing your counsel three pages from the Washington
24 Post of January 11th, 1973, identified as Defendant's Exhibit
25 NM for identification, and I will be soon asking you questions.

1 I show you Defendant's Exhibit NN for identification,
2 and ask you if that appears to be several pages starting at the
3 front page of the Washington Post January 11th, 1973?

4 A I believe that was the day before I pleaded guilty, yes.

5 Q Have you ever seen that page?

6 A I probably did. There have been thousands and thousands of
7 sheets about Watergate of which this is one.

8 MR. LANE: I offer this in evidence not for the truth
9 of the allegation, but for the fact of the publication.

10 MR. SNYDER: Your Honor, this is Watergate again, and
11 I think it was thoroughly dissected for two day's in cross
12 examination. I would object to it as being highly redundant.

13 THE COURT: Overruled. We will receive it as
14 Defendant's Exhibit what?

15 MR. LANE: NN.

16 THE COURT: Again, Ladies and Gentlemen, on the
17 restricted basis it is not being offered to prove the truth of
18 the matter asserted therein, but for the fact it was indeed
19 published.

20 THE COURT: NN in evidence.

21 BY MR. LANE:

22 Q I show you Defendant's Exhibit OO for identification, and
23 ask you what this is?

24 A It is an April 23rd, 1973 page from the Washington Post.

25 Q Have you seen that before?

1 A I don't recall it.

2 Q Have you seen stories similar to that in substance
3 published around the kind?

4 A Oh please, Mr. Lane, I cannot remember how many thousands
5 of stories I have seen. You say stories like this, I don't
6 know specifically what you mean stories like this.

7 Stories that -- I was in prison at the time. I was
8 went in prison in March and that is in April. My opportunities
9 to see the daily paper were quite restricted.

10 Q Stories says that the FBI director Mr. Gray resigned and
11 that you and Mr. Liddy were linked to the Elsborg case?

12 A That is the headline, yes.

13 Q Have you seen stories of that nature, broad cases
14 throughout the country?

15 A I was in prison when that story was published. I am not
16 sure I saw this. I can't speak to how many places it was
17 published in the country.

18 MR. LANE: I offer this in evidence.

19 THE COURT: On what basis?

20 MR. LANE: Same thing, not for the truth.

21 THE COURT: It is being received again. Any objection
22 for the limited basis.

23 MR. SNYDER: We think it is repetitive.

24 THE COURT: Overruled, and I will receive it in
25 evidence for the limited basis that counsel has tended the

1 document. OO in evidence.

2 BY MR. LANE:

3 Q I show you AA--for identification that I showed you earlier,
4 and I ask you if you have seen this published before?

5 A Have I seen the story before in one version or another?

6 Q Yes.

7 A Yes, I have, and I admitted freely to it. The other day on
8 the stand here, this is from the Chicago Times, at a time when
9 I was in prison so I never saw this story before to my
10 knowledge.

11 MR. LANE: I offer this in evidence not for the truth.

12 THE COURT: Limited on basis.

13 MR. LANE: Correct.

14 THE COURT: I thought AA was in your notes that
15 indicate it.

16 MR. LANE: It is in that is the same article that he
17 examined before one, and we would like it cut it down to just
18 that one article.

19 THE COURT: Any other objection you want to note?

20 MR. SNYDER: I think I agree with, Your Honor, it is
21 the same article.

22 THE COURT: I thought it was in -- if it is not just
23 so the record is clear, any objection is noted. Overruled.
24 Received for the limited purpose of what counsel.

25 MR. LANE: Showing it was published.

1 THE COURT: Thank you.

2 MR. LANE: We will alter it.

3 THE COURT: AA-in evidence.

4 BY MR. LANE:

5 Q I am showing your counsel Defendant's Exhibit PP for
6 identification, and ask you if you have seen the story there
7 with headline?

8 A I am aware that Gene Cushman eventually testified in this
9 way, but I did not see the story as I was in prison at the
10 time, and this was in the Chicago Newspaper. In any case, no,
11 it was the Washington Post. I was in prison at the time.

12 MR. LANE: I offer it for the same limited purpose.

13 MR. SNYDER: I object again because Elsborg has been
14 so thoroughly covered on cross examination.

15 THE COURT: Overruled on the grounds stated. Received
16 on a restricted basis. Defendant's Exhibit PP in evidence.

17 BY MR. LANE:

18 Q Who was Lee Kaplan?

19 A Lee Kaplan?

20 Q Yes.

21 A He is a motion picture producer.

22 Q Did Mr. Kaplan try to market a script by you?

23 A Yes.

24 Q In that respect, did he serve as an agent for you?

25 A He did and is still so serving.

1 Q I show you Defendant's Exhibit QQ for identification, and
2 ask you if this is a letter that you received from Mr. Kaplan
3 in reference to a script you were trying to market in 1983?

4 A What is the question, sir?

5 Q Is that in reference to a script he was trying to market on
6 your behalf?

7 A On to a book manuscript, yes.

8 Q Did he get a response from 20th Century Fox?

9 Q About that property?

10 A I assume he did, negatively, because he had been turned
11 down everywhere. This was the completed book of which the book
12 you mentioned earlier. Meanwhile at the White House was a
13 fragmentary proposal.

14 Q Was this called an oval Office?

15 A It was.

16 Q When 20th Century Fox turned you down, did they turn it
17 down because it was rumored Mr. Hunt had been involved in an
18 attempt to kill President Kennedy?

19 A I don't have any idea of what they said to him.

20 Q Do you know if they said it was because of the Spotlight
21 article that they were not going to turn this book into a film?

22 A I never alleged that statement was made, no.

23 Q In fact, did the vice-president of 20th Century Fox write
24 to Mr. Kaplan, your agent, state that the book was rejected by
25 20th Century Fox because in reference to the characters in the

1 book they are truly a taudry group?

2 I am reluctant to drop this kind of script. Is that
3 what 20th Century-Fox said to your agent?

4 A I am not sure. He provided me with a copy in any case that
5 was the general feeling. This is the book that Ted Chichak
6 tried to market too.

7 Q I show you Defendant's Exhibit RR for identification, and
8 ask you if this is a letter you received from Mr. Kaplan, copy
9 of a letter which was sent to him by 20th Century Fox stating
10 just as I said that they rejected because of the talked dry
11 group of characters, and it is not the kind of thing they that
12 they would want to turn into a film.

13 A I am certainly sure I never have seen this before. What
14 was your question?

15 Q Did you receive this from your counsel in this case?

16 A From me?

17 Q From your lawyer?

18 A What is your question?

19 Q Is it not true that 20th Century Fox rejected the book
20 because in their view it was a talked dry group of characters
21 and kind of thing that they would not want to turn into a film?

22 A That is correct.

23 Q It is fascinating to read I wish you good luck with it.

24 Did Mr. Kaplan try to market the book with Avon books?

25 A Yes, he did.

1 Q Did Avon books reject it because of the article in
2 Spotlight magazine about you?

3 A I don't recall what their reason was.

4 Q Did the President of Avon books write to Mr. Kaplan and
5 state that the book be read by two readers for Avon books, that
6 both readers found it dark, no charter, that seems sympathetic
7 and some support of configuration has not seemed to work for us
8 in the past et cetera. It was the way it was written, the
9 contents which was the basis for the book's rejections?

10 A Yes.

11 Q I will show you Defendant's Exhibit SS for identification,
12 which is a copy of that letter which was secured through your
13 counsel in this case in discovery, and ask you if this is a
14 letter that your agent received from the President of Avon
15 books?

16 A Yes.

17 MR. LANE: I offer these three exhibits in evidence,
18 Your Honor. They are QQ, RR and SS.

19 MR. SNYDER: I have no objection to QQ. I do object
20 to RR and SS.

21 THE COURT: Grounds.

22 MR. SNYDER: All hearsay, no foundation, no
23 authentication.

24 THE COURT: Counsel,

25 MR. LANE: He testified he couldn't publish books any

1 more.

2 THE COURT: That is true but, is it not, hearsay.

3 MR. LANE:-- No,--it is a letter to his agent which
4 explaining he had admitted these are, in fact, received.

5 THE COURT: It is a letter to him.

6 MR. LANE: No, to his agent. He admitted these are
7 authentic letters.

8 THE COURT: Overruled on the grounds stated.

9 QQ, RR and SS received in evidence.

10 BY MR. LANE:

11 Q I showed you this earlier during cross examination Mr. Hunt
12 this is a letter, copy of a letter on your stationery to your
13 literary agent Mr. Chichak.

14 A Yes, you shown this to me before.

15 Q Is that in fact your signature on the bottom of the page?

16 A It is.

17 Q Was Mr. Chichak your literary agent when you wrote this
18 letter?

19 A He was.

20 Q Did you state to him on October 15, 1981 in this letter
21 perhaps very measurably, we agree the Watergate episode has
22 been a heavy handicap. I cannot attach myself from it so I
23 surrender, did you write that?

24 A I wrote that letter.

25 MR. LANE: I offer that in evidence.

1 MR. SNYDER: It has underlinings and markings. We
2 object to it on that ground that its previously been read to
3 the jury. -- --

4 THE COURT: Overruled on the grounds that its
5 previously been read to the jury. I will admit it, but clean
6 it up so there is no markings.

7 Ladies and Gentlemen of the Jury, there is exhibits on
8 both sides that have underlining. I have received those in
9 evidence, but we will not allow them to be published.

10 I did not want you to consider that part underlined to
11 be given any more credence than anything else in the article.
12 I will let all the exhibit with that of some marking on it, but
13 the fact that someone has given some highlights to some
14 portions not to be given any more or less credence to you than
15 in the balance of the exhibit. Has that clarified it correctly
16 for the Plaintiff?

17 MR. LANE: Yes.

18 THE COURT: You may now publish this document to the
19 jury.

20 BY MR. LANE:

21 Q Do you recall at the end of your direct examination or
22 redirect examination it was rather by your counsel he asked you
23 to read from the Rockefeller Commission report?

24 A Yes.

25 Q And you read that paragraph as an indication of what the

1 facts were, is that correct?

2 A I don't recall the purpose of my reading it counselor or
3 which paragraph we are really talking about, if you consider to
4 identify them I can give a more informed reply.

5 Q I think it is Page 257. Page 269. I am sure you have
6 memorized the pages so I will give you the document to look at
7 it.

8 MR. LANE: Do you recall reading this paragraph at the
9 request of your attorney? The same witness testified that E.
10 Howard Hunt was acting chief of the CIA station in Mexico City
11 in 1963 implying he could have had contact with Oswald, but
12 Oswald visited Mexico City in September of '63.

13 THE COURT: When?

14 BY MR. LANE:

15 Q Hunt's service in Mexico City was twelve years earlier in
16 1950 and '51 only of the CIA duty in Mexico, few weeks in 1960.
17 At no time was he ever the chief or acting chief of the CIA
18 station in Mexico City. Do you recall reading that to the
19 jury?

20 A Yes.

21 Q That is not true, is it, that you never were the chief or
22 the acting chief of station in Mexico City?

23 A Chief of the OPC Station in Mexico City in 1950 to '52 or
24 '53.

25 Q This statement which you read to the jury at request of

1 your counsel from the Rockefeller Commission report you knew to
2 be untrue, did you not?

3 A I was not asked to comment on the truthfulness of it.

4 Q That's correct?

5 A I was asked to read it to the jury, which I did.

6 Q That is correct.

7 A That is correct.

8 Q But it was untrue, was it not?

9 A It was inaccurate.

10 A I was acting chief or chief of the OPC Station there, some
11 years earlier.

12 A Ten years earlier.

13 Q Do you recall testifying here on January 28th, 1985, as
14 follows: When asked these questions by your Attorney Mr.
15 Snyder Page 8. I told the jury Mr. Hunt that you served in the
16 agency from 1949 to '47.

17 "QUESTION: I would like to have you recount
18 the earlier part of that service from 1949 up
19 to the Cuba project.

20 "ANSWER: 1949 I was in headquarters. 1950 I
21 went down -- question excuse me.

22 "QUESTION: Where is headquarters?

23 "ANSWER: In Washington, D.C. Went down to
24 Mexico City as chief of station Mexico City
25 in 1950."

1 BY MR. LANE:

2 Q Did you so testify in this trial?

3 A Yes, I did. -- --

4 Q Were you or not chief of station of the CIA in Mexico City?

5 A There were two chiefs of station at that time. I was the

6 chief of the OPC Station, and is distinguished from the chief

7 off OSO Station. I was chief of station in Mexico City during

8 the period stated, yes.

9 Q You knew this report, which you read to the jury the

10 request of your attorney contained a false statement, did you

11 not?

12 A And an inaccurate statement, ten years off.

13 Q Ten years off?

14 A Yes.

15 Q Let's go back over the Rockefeller Commission report that

16 you read. At no time was he ever the chief or acting chief of

17 a CIA station in Mexico City. Is there any reference to time

18 there?

19 A In the preceding paragraph, it says 1963. I ceased my

20 services down there, chief of the OPC Station in 1953 so I say

21 it was ten years off.

22 Q Is this sentence unequivocal in terms of time.

23 A At no time was he ever the chief or acting chief of a CIA

24 station in Mexico City.

25 Q Is that unequivocal?

1 A That statement is unequivocal, yes. I don't know how they
2 would have come to that conclusion.

3 Q They were wrong? -

4 A Yes, they were inaccurate. They were wrong by ten years.

5 Q You read that inaccurate statement to the jury at the
6 request of your attorney, did you not?

7 A That is correct.

8 Q I think you testified that the article written by Mr.
9 Trento and Miss Powers in the Wilmington News-Journal was
10 inaccurate. One of the reasons was the allegation that your
11 alibi as to where you were on November 22, 1963 was falling
12 apart, something of that nature.

13 Do you recall that allegation being made and your
14 testimony about it?

15 A That is pretty vague. I am not sure that the Wilmington
16 Journal published that. If you care to refresh my memory we
17 could be talking about the same allegation.

18 Q Did you hear Mr. Snyder question Mr. Marchetti during this
19 trial?

20 A Yes.

21 Q Do you recall him asking about that allegation Mr. Snyder,
22 in fact, said it was in Spotlight, but in reality it was in
23 Wilmington News-Journal.

24 Do you recall them asking about the allegation that
25 your alibi as to where you were presently was beginning to fall

1 apart?

2 A Mr. Snyder asking Mr. Marchetti?

3 Q Yes. I will withdraw that. Were you here when Mr.
4 Marchetti testified?

5 A Yes.

6 Q Were you here when Mr. Snyder questioned Mr. Marchetti?

7 A I was.

8 Q Did you hear Mr. Snyder ask Mr. Marchetti about the
9 allegation that your alibi about specifically where you were on
10 November 22, was falling apart. Do you recall that
11 questioning?

12 A With reference to the Spotlight article?

13 Q Actually Mr. Snyder was referring to the Spotlight article.
14 He was in error because it was not in the Spotlight article,
15 but that is the way it was presented. Do you remember that?

16 A I find it difficult to distinguish because the Spotlight
17 article said that my alibi had been completely smashed or
18 shattered was the word.

19 Q Show me where it says that. That is Plaintiff's Exhibit 1.
20 Show me where the Spotlight says your alibi was completely
21 smashed.

22 A The authors themselves were determined to vindicate
23 themselves, and they continued to attack Hunt's alibi.

24 Q That is in reference to what? Who are the authors that the
25 Spotlight is referring to?

1 A A.J. Weberman and Michael Canfield.

2 Q In other words, the Spotlight article said that Weberman
3 and Canfield had done this work about your alibi, is that
4 correct?

5 A Had done this what?

6 Q Investigation of your alibi?

7 A Yes.

8 Q Do you recall stating at one time that you had a Chinese
9 dinner in Washington, D.C.,

10 A No. I remember only stating that my wife and I had
11 purchased Chinese groceries at noon time from which to prepare
12 a Chinese dinner.

13 Q You know in the piece appearing in the Wilmington Newspaper
14 that then became the basis for the national news story that Mr.
15 that the authors of that story placed in quotation marks a
16 statement by you.

17 "I took off at noon that day and went shopping and had
18 a Chinese dinner in downtown Washington with my wife." You
19 have seen that published?

20 A I have seen that, and it is similarly an allegation that is
21 what they said. I said, I did not say that there is one thing
22 I wouldn't have a Chinese dinner at mid-day.

23 I have a Chinese dinner at night that he was the
24 purpose of our being in China town at noon on the day that
25 President Kennedy was killed to purchase the ingredients to

1 prepare a Chinese dinner that night.

2 Q Mr. Trento was wrong?

3 A Mr. Trento was wrong if he said that. Whoever said that
4 let's make it easy on each of us, counselor, whoever said it,
5 it is wrong.

6 Q I show you Defendant's Exhibit 2 in evidence, and ask you
7 if it, in fact, says on the front page of the Wilmington
8 News-Journal, "Hunt said he was in Washington the day of the
9 Kennedy murder"...

10 "I have plenty of witnesses. I took off at noon that
11 day and went shopping and had a Chinese dinner in downtown
12 Washington with my wife."

13 Does it say that, does it not?

14 A It does say that.

15 Q The article is wrong?

16 A The article is extremely wrong yes, sir. We had a two and
17 a half month old baby in the car with us among other things.

18 Q Did you ever sign an affidavit in which you described the
19 name of the grocery store where you went shopping?

20 A Yes.

21 Q Did you sign an affidavit in which you said you believed it
22 was a place called Wahling, W-A-H-L-I-N-G.

23 A Yes, a place that we often bought Chinese ingredients.

24 Q You said that in an affidavit, did you not?

25 A That is correct.

1 Q That was wrong?

2 A Well, my wife made purchases at several grocery stores.
3 There was another-one nearby that she may have gone by,
4 Tukchion I don't know and subsequent statement I added that
5 statement. Tukchion.

6 Q My question is: Did you in an affidavit state under oath
7 that you had been purchasing groceries. "We had been
8 purchasing groceries in a Chinese grocery store," that you
9 recall at that time to be called Wahling?

10 A Yes, I so stated.

11 Q Was that a mistake or now you are saying you were in more
12 than one grocery store?

13 A I am saying my wife was in more than one grocery store.
14 Chinese names are not terribly easy for me to remember. It
15 seems the one we were parked in front of was Wahling.

16 Q Then in 1978 when you appeared before the House Select
17 Committee on assassinations did you not, in fact, say the
18 whaling reference was wrong?

19 A I did.

20 Q Now, what are you saying it was right or wrong?

21 A I am saying it could have been either way. Tukchion or
22 Wahling. The point is we were there purchasing Chinese
23 ingredients from a variety of Chinese groceries stores on 8th
24 Street, between 8th and 9th, northwest in Washington, D.C.,

25 Q You first swore it was Wahling?

1 A To the best of my knowledge and belief, yes.

2 Q Then, when you appeared before the select committee you said
3 that was a mistake; it was not Wahling, it was as you said
4 Tukchion; is that correct?

5 A Tukchion, yes.

6 Q Now, you are saying that was wrong, in fact, it was both of
7 them, is that correct?

8 A It could easily have been.

9 THE COURT: Not to loud counsel, Rule 1.

10 MR. LANE: Thank you, your Honor, I am sorry.

11 BY MR. LANE:

12 Q Which of these statements is correct. Your first sworn
13 statement that it was Wahling? Your second sworn statement
14 that Wahling was wrong that you were mistaken, it was Tukchion
15 or your third statement now that it was both of them, which of
16 those three is correct, Mr. Hunt?

17 A The best of my recollection, counselor, my wife made
18 purchases not just at one grocery store but at a couple.
19 Wahling, Tukchion I am satisfied either way.

20 Q I don't know that that means?

21 A It means that I don't know whether it was Wahling or
22 Tukchion. If I said subsequently it was Tukchion I would
23 certainly say it was Tukchion Grocery Store where she made her
24 purchases on that day.

25 Q Do you recall telling the News Journal of Wilmington,

1 Delaware that you had plenty of witnesses as to where you were
2 on November 22, 1963?

3 A Counselor, I never had any communication with people from
4 the News Journal in Wilmington, that is, to say they are Mr.
5 Trento or Mr. Jackie powers.

6 Q So they are wrong when they say that is that right?

7 A If they say what that they communicated personally with me
8 they are wrong, yes.

9 Q Do you recall telling anybody during that time frame, which
10 was August of 1978, that you had plenty of witnesses to show
11 where you were on November 22?

12 A I have been saying that consistently for many years, yes.

13 Q Do you recall protesting the allegation was outrageous and
14 maliciously false the allegation that the only -- the
15 prediction of the only witness who would appear for you would
16 be CIA connected witnesses on the question of an alibi, do you
17 remember saying that?

18 A I think by that there were a couple of deaths that
19 eliminated those witnesses who could testified.

20 Q Does not include your three children, does it?

21 A No, it does not.

22 Q Your neighbors?

23 A Or my neighbors.

24 Q Mr. Kuzmak is one of the 2 CIA connected witnesses who
25 provided an alibi for you in this case?

1 A That is correct.

2 Q You testified that you did not drive to work with him, and
3 you know he testified that you did drive to work with him, is
4 that correct?

5 A We have gone over this so often counselor.

6 Q You testified that, did you not, that the last time you saw
7 him on November 22, 1963 was when you were driving by Sieberts
8 (phonetic) and he waived?

9 A That's correct.

10 Q You did not see him later that day?

11 A No.

12 Q That was before either of you had learned about the
13 assassination of John F. Kennedy, is that correct?

14 A Hardly.

15 Q You had learned already.

16 A Yes, indeed. I had learned when we were parked in front of
17 a Chinese Grocery Store between 8th and 9th Street.

18 Q You heard Mr. Kuzmak's testimony, you heard him testify
19 that you did not know at that time?

20 A I know I cannot speak for him. I am saying I knew. He
21 said he did not. He did not learn until a little later.

22 Q Page 14 of the deposition of Mr. Kuzmak June 28, 1984,
23 which is Defendant's Exhibit M.

24 Let's start at Page 13, the last several questions.

25 These questions were put to Mr. Kuzmak and these are the answer

1 He made under oath in a deposition in this case on June 28,
2 1984. See if this refreshes your recollection.

3 A Refresh my recollection of Mr. Kuzmak prior testimony or
4 what he said.

5 Q I will ask you the question after I read it.

6 Is that on the afternoon of November 22, 1963, I
7 believe it was about 2:00 o'clock in the afternoon.

8 "QUESTION: Did you see Mr. Hunt on that
9 occasion?

10 "ANSWER: No, because I met him on the street.

11 "QUESTION: I am asking you if you saw him at
12 the office on that occasion?

13 "ANSWER: No.

14 "QUESTION: Did you see him at all after you
15 learned that the President had been
16 assassinated? Did you see Mr. Hunt at all on
17 November 22?"

18 There is an objection and then we
19 proceed.

20 "QUESTION: Did you see him on the afternoon
21 of November 22, 1963, after you learned that the
22 President had been assassinated?

23 "ANSWER: Well, I would say sure, why not.

24 "QUESTION. Sure, why not?

25 "ANSWER. I did see him.

1 "QUESTION: You did?

2 "ANSWER: Yes.

3 "QUESTION: Where was that?

4 "ANSWER: Probably on his front lawn or maybe
5 on my front lawn. His children and our
6 children went to school together, and there
7 was always like -- they bring them home and
8 things of that nature. So in all probability
9 I did. I know I did see Dorothy his wife."

10 BY MR. LANE:

11 Q And then I go on to the twenty-three, et cetera. Does that
12 refresh your recollection as to whether or not you saw him
13 after you saw him at the corner in Washington, D.C., at Duke
14 Siebert's?

15 A I have no reason to believe that I saw Mr. Kuzmak for the
16 balance of that day or the week after I saw him again until we
17 reported back for duty after the interment of the president.

18 Q Do you recall testifying at this trial about your dramatic
19 profit income from 1977 to the present time, did you not?

20 A Yes.

21 Q Do you have those figures with you? I think you read them
22 from a piece of paper?

23 A I don't have that piece of paper at the moment.

24 Q You testified that in '77 you earned \$78,600?

25 A That was my income, yes.

1 Q When you said your income, did you mean both yourself and
2 your wife's? I will show you the form?

3 A I am trying to recall, with apologies of my wife. We were
4 married on the 22nd of December of '80 that year, and whatever
5 earnings she had would have been part of our overall attached
6 liability, yes.

7 Q I will show you your income tax return for 1977, which has
8 now be marked Defendant's Exhibit TT for identification. And
9 ask you if this return shows whether it was a joint return with
10 your wife and what your income was.

11 A Yes, it was.

12 Q Was it joint return?

13 A It is a joint return.

14 Q What was your income.

15 A Total income was \$79,000.

16 Q It was very close to your statement of 78,600?

17 A Yes, sir.

18 Q Do you recall your testimony about what your income was in
19 1978?

20 A 48,000 something like that.

21 Q 48,000 flat I think was your testimony. And I am showing
22 your counsel now your return for 1978, which has been marked
23 Defendant's Exhibit UU for identification. And ask you if your
24 return that year was also a joint return?

25 A It was a joint return.

1 Q What does that return reveal was your income for that year?

2 A Gross income was 48,000.

3 Q Which is just what you testified to, correct?

4 A Yes, within a thousand dollars.

5 Q I show you Defendant's Exhibit VV, and ask you if that is a
6 joint return you and your wife filed in 1979?

7 A It is.

8 Q What was your income that year?

9 A About 21,000 total.

10 Q That is what you testified to, did you not?

11 A I believe so yes.

12 Q For 1980, do you recall what you testified to?

13 A No, sir.

14 Q Did you testify, Mr. Hunt, that your income for 1980 was
15 \$17,583?

16 A That is what I testified that was my best figure yes.

17 Q I will show you Defendant's Exhibit WW, and ask you if this
18 is joint return you filed with your wife on that year?

19 A Yes.

20 Q What is the income purported there?

21 A The overall income was 38,000 of which.

22 Q Total?

23 A I earned.

24 Q Just a total income reported?

25 A 38,254.

1 Q Do you recall testifying in 1981, what did you testify to
2 as your income?

3 A I cannot recall.

4 Q Do you recall testifying it was quote under \$7,000?

5 A That earnings or income?

6 Q It was your testimony. I am asking you what your testimony
7 was?

8 A My testimony should have be earnings under whatever that
9 figure was.

10 Q Do you recall saying it was under 7,000?

11 A Yes.

12 Q I show you Defendant's Exhibit XX for identification, and
13 ask you if that is another tax return just like the others in
14 that it is a joint return for you and your wife?

15 A It is it is a joint return.

16 Q What is the income?

17 A Total income \$28,442.

18 Q Do you recall testifying what your income was in 1982? I
19 don't mean during 1982, during this trial, do you recall what
20 you testified your income was during that year?

21 A Income, I think I testified as to my earnings.

22 Q What did you testify?

23 A Around 6,000 something like that. As I recall, may be
24 seven.

25 Q Just over 6,000. Would be that be an accurate quotation

1 from your testimony?

2 A If you say so, I don't have my notes. We were talking
3 about earnings. -- --

4 Q Defendant's Exhibit YY for identification, and ask you if
5 that is your income tax return for '82 filed jointly with your
6 wife?

7 A It is.

8 Q What does it show your income to be?

9 A Total income on a joint return thirty-five thousand 900825.

10 Q Do you recall testifying about your income in 1983 during
11 this trial?

12 A I believe my earnings were in the neighborhood of 6,
13 \$7,000.

14 Q Do you recall testifying that it was, in fact, \$7,700?

15 A Yes, sir.

16 Q I show you Defendant's Exhibit ZZ for identification, and
17 ask you if that is your 1983 joint return with your wife?

18 A It is.

19 Q What does it show your income to be?

20 A It shows our overall income to be 30,968.

21 Q Since your testimony, Mr. Hunt, that your earlier testimony
22 was accurate in terms of your income or your earnings?

23 A Yes.

24 Q When you gave us the figure for 1977, which was before the
25 Spotlight article was published, did you give us 78,600,

1 roughly the income all of the income for you and for your wife?

2 A My recollection was that most of that income came from
3 Putnam Publishing--Company, plus lecture of those earnings.

4 Q How about \$20,000 in pensions?

5 A That is not earnings. That is part of the overrule income.

6 Q But it is part of the 78,600 you talked about, is it not?

7 A I don't know. I would have to examine my return.

8 Q I will show it to you when you testified about your income
9 in '77 you listed everything.

10 Q When you testified about your income after the publication
11 of Spotlight you selectively testified listed certain things,
12 is that correct?

13 A No.

14 Q Let's try '77. You testified that your income was 78,600,
15 is that correct, that is before the Spotlight article was
16 published?

17 Q What were your earnings?

18 A It shows 79,000.

19 Q I am not quarreling with the number?

20 A Yes.

21 Q My question is: Did that include all of your income, your
22 wife's income, your pension, everything?

23 A Well, I will have to examine this.

24 Q Please take your time.

25 A I now had an opportunity to examine the return.

1 Q Yes. Does that 78,600 to which you testified or about
2 79,000 on the return include all of the income you received
3 including pensions? -

4 A It does.

5 Q You used this standard of all income when you testified
6 about your income prior to the publication of the Spotlight
7 article for those years, is that correct?

8 A That was the figure that I testified to, yes.

9 Q Then in 1978 you testified about your 1978 income that it
10 was \$48,000, and in looking at your joint return it revealed as
11 you just testified it was \$48,605.58, right?

12 A Yes.

13 Q In reaching that figure, in 1978, did you include all of
14 your income including \$22,533 in pensions.

15 Q I show you Exhibit UU, I am not trying to play guessing
16 games, take your time?

17 A Yes.

18 Q For 1977 and 1978 from periods of time representing
19 substantial period of time before the Spotlight article was
20 covered when you testified before this jury you included all of
21 your income and the figure you gave to them as to your earnings
22 or income, is that correct?

23 A Yes.

24 Q Then in the period of years, the last several years after
25 the article was published, you used an entirely different

1 standard, did you not?

2 A Not intentionally counselor.

3 Q You testified, did you not, that in 1980, your income was
4 or earnings 17,583 and on your tax form using the same standard
5 that you used in '77, '78, it was not 17,000 but over 38,000,
6 is that not correct?

7 A That was the gross income, yes.

8 Q The gross income was you testified to regarding your '77
9 income, is that right.

10 Q You told the Jury 78,600 for '77?

11 A Yes.

12 Q That was the standard you used then. In 1981, you told
13 this jury that your income was 7,000 when, in fact, it was
14 \$28,442?

15 A Counsel, that should have be earnings not overall income.

16 Q If it was earnings you would be using an entirely different
17 standard for the years after the article was published, and
18 than the standard you use before the article was published, is
19 that correct?

20 A Counsel my best recollection was that the '77 figure was
21 large principally because of prior royalties that had been owed
22 me afternooon then paid including lecture fees.

23 Q You were wrong, were you not?

24 A I was wrong on the phase of it, yes.

25 Q You were wrong about the '78 also, were you not because you

1 said you earned 48,000 and about half of that was a pension
2 just as it was in the last several years, is that not correct?

3 A That was overall income in '78, yes, sir.

4 Q When it came to the last years after the article was
5 published you said 1983 was only 7,700, but on your income tax
6 return it was \$30,968?

7 A Which includes a Government pension.

8 Q Which you included when you told them what your income was
9 before the article was published?

10 A In '77.

11 Q In '78?

12 A That's right.

13 MR. LANE: Rather than go through these at this point
14 I offer these documents in evidence.

15 THE COURT: Any objection?

16 MR. SNYDER: No objection.

17 THE COURT: Receive them. Dictate the numbers in the
18 record.

19 MR. LANE: They are TT, UU, VV, WW, AA, YY and ZZ.

20 THE COURT: Put all those exhibits in evidence.
21 Received in evidence.

22 BY MR. LANE:

23 Q Rather than go through each of these years in any more
24 detail let me ask you this one question.

25 When you applied one standard, which resulted in a

1 higher income by that standard, all income not just earnings
2 and testifying to this jury about your income in 1977 and 1978,
3 and applied an entirely different standard, for the years '83,
4 '82, '81, '80 you were intending to deceive this jury as to
5 your loss of income?

6 A No, sir, I was not.

7 Q That was just an error, is that correct?

8 A The 1977, '78 figures I had testified to in a prior
9 proceeding, and I simply went back to what they had been at
10 that time. And I did not go into my income tax I saw no reason
11 to.

12 Q (You brought a piece of paper here upon which you had
13 written?

14 A That is correct. I did, and I got those from transcripts.

15 Q So, in those transcripts you were testifying about the
16 total income rather than about your earnings, is that correct?

17 A I was testifying thoughtfully about my total income and my
18 total earnings.

19 Q In this case you applied one standard of total income for
20 the years before the Spotlight article was published and then a
21 whole different standard which reduced your income by 100, 200,
22 300 percent after 1981, is that correct?

23 A Counselor, today I have what my understanding is and that
24 there is a difference between income and earnings. I never
25 denied that I received a pension from the United States

1 Government, that is for the record..

2 Now, overall income is one thing, earnings from books,
3 lectures and appearance is something totally different. It is
4 part of the overall figure obviously.

5 Q Now, when we look at your overall income, you find out in
6 1978, your income was \$48,000?

7 A Yes.

8 Q 1979 it was \$21,000?

9 A I don't know whether that was income or earnings, probably
10 earnings that year.

11 Q In 1980, you said it was 17,583, but your income was really
12 38,254, is that correct?

13 A Yes, but knowing that is said about me in the public
14 presence influences the size of my Government annuity.

15 Q But you should not add your Government annuity.

16 THE COURT: Just questions.

17 BY MR. LANE:

18 Q Should you add your Government annuity to what appears to
19 be your answer about earnings for the years before 1979 and
20 then not use that same standard for the years after 1979.

21 MR. SNYDER: Objection. This is about the
22 fifth time.

23 MR. LANE: That is correct. I withdraw the
24 question. I have no further questions.

25

CROSS EXAMINATION

BY MR. SNYDER:

Q You make a distinction between earnings and income in your own mind, do you not?

A Yes, I do.

Q Would you take a look at your '77 tax return that has been identified as Defendant's Exhibit TT, and tell us what your total income is for that year?

A Total income for that year is \$79,030.88.

Q I am showing you Defendant's Exhibit UU, which is your 1978 tax return, and ask you what your total income was for that year?

A My total income for 1978 was \$48,605.58.

Q That is a decrease from the year before?

A That is.

Q I am showing you now Defendant's Exhibit VV, your 1979 income tax return, would you tell us what your total income is for that year?

A My total income for 1979 was \$20,947.

Q Again, a decrease from the two preceding years?

A Yes.

Q You testified there was a distinction in your mind between income and earnings?

A Very definitely, yes.

Q What is the distinction?

1 A The distinction is income at least in my household income
2 is everything that we gain, and report on our tax return what I
3 earn and what my wife earns those are the results of separate
4 and individual endeavors, and of course my Government pension
5 when added to those earnings that comes that becomes the top
6 figure of or overall income.

7 Q The Government pension is not included in your concept of
8 what earnings are, but is included in your concept of what
9 overall income is.

10 A That is correct.

11 Q For the years '77 through '79 when your income fell your
12 gross income fell from 79,000 to 48,000 to 21,000 where did you
13 get those figures?

14 A From transcript of a previous transcript.

15 Q The figures for '80, '81, '82 and '83, where did you get
16 those from?

17 A From my tax returns.

18 Q From the actual returns?

19 A That is the best of my recollection, yes.

20 Q If Mr. Lane asked you whether your income appears and other
21 than guessing were doing so deliberately?

22 A No. It was inadvertently. I consulted a transcript for
23 the earlier figures, and my more recent tax returns directly.

24 Q Mr. Lane asked you about the name of the Chinese grocery
25 store. And said you had testified on a prior occasion that the

1 name was Wahling, then you testified it was Tukchion. Now you
2 think it is both. Were you in any way misleading anyone when
3 you gave those prior statements.

4 A No, I don't regard it as a significance. Anybody whoever
5 has been in China town in Washington, D.C. would know that you
6 have Chinese groceries stores. There are grocery stores on
7 both sides of the street. They line the place that is the
8 nature of China town. There was no intent to deceive.

9 Q I think you already have been asked about whether this was
10 a visit to another Chinese grocery store or whether you were
11 getting Chinese dinner at a restaurant?

12 A Yes, I have be asked that.

13 Q Have you ever stated anywhere it was a Chinese dinner?

14 A No. That I think that was a misstatement like that is
15 pretty easy to trace. I said we had been at a Chinese grocery
16 store to purchase ingredients for a Chinese dinner.

17 Q If Mr. Trento said it was a Chinese dinner he was in error?

18 A Exactly, because that simply was not the case.

19 MR. SNYDER: I have nothing further.

20 THE COURT: Thank you.

21 MR. LANE: Permit me one question.

22 THE COURT: Yes.

23 REDIRECT EXAMINATION

24 BY MR. LANE:

25 Q Do you know if your wife purchased these groceries by the

1 use of a credit card?

2 A No.

3 Q You don't know?

4 A Well, I cannot remember any of the chinese grocery
5 establishment there that used credit cards.

6 Q Really?

7 A Right.

8 Q Are not some of them associated with restaurants as a
9 matter of fact?

10 A Some of them are.

11 Q Don't they all credit cards?

12 A The ones that she was in that particular day I don't
13 believe were associated with a restaurant.

14 Q Did you ever check to see if you have any credit cards
15 records to show that, in fact, the purchases were made that
16 day?

17 A No, those purchases would have been made were made, in
18 fact, in 1963, and it was 1974 before the first allegations of
19 any implication on my part in the Kennedy assassination so we
20 were talking a period of about eleven years during which period
21 of time I normally destroyed most of my financial records.

22 Q Did you write to any of the credit cards companies?

23 A No, I did not.

24 Q They don't destroy records, do they?

25 A I believe that they do.

1 MR. LANE: I have no further questions.

2 THE COURT: Call your next witness.

3 MR. LANE: The deposition, Your Honor, of Morita
4 Lorenz, and there is a motion pending by the Plaintiff.

5 (Sidebar conference as follows:)

6 MR. LEE: Your Honor, this concerns the deposition of
7 Mr. Bloom, the accountant. I am wondering if it would simplify
8 and speed up things if it would satisfy your purposes if I did
9 a brief voir dire examination of him here out of the presence
10 of the jury. If your purpose was to determine what it is that
11 he has to say.

12 THE COURT: My purpose is to give counsel, opposing
13 counsel, an opportunity to know ahead of time what they are
14 saying. I would assume for the sake of time you will tell me
15 what he tends to say. They will have the opportunity to cross
16 examine him, save some time, then I will make a determination
17 whether or not the tardiness of your application any undue
18 hardship unfairness if it has I will not allow it, but I want
19 it understood what I am talking about I am not allowing him to
20 come in about net worth or anything else. He is restricted to
21 the documents. Just those documents.

22 MR. LEE: That was understood.

23 THE COURT: All I would suggest, try to save time is
24 to go ahead and tell me what he intends to proffer, what he
25 will say, and they can go to cross examination.

1 MR. LANE: They can call another accountant.

2 MR. LEE: Do you want to see the transcript for their
3 benefit.

4 THE COURT: I want to hear what they say as hardship.

5 MR. LEE: may we have a permission to record this
6 deposition for the sake --

7 THE COURT: I never heard --

8 MR. LANE: He means a tape recorder instead of a court
9 reporter.

10 THE COURT: No. You have better tape recorders than I
11 do.

12 MR. LANE: They asked if they can do that on Friday,
13 and we agreed.

14 THE COURT: I don't care. You be sure you take good
15 notes because those transcripts are pretty garbeled. If you
16 all agree to it you get the general gist of it, it is okay with
17 me, but the only thing you can't use Paul.

18 MR. LEE: That is all we had to say.

19 THE COURT: You all work it out. You can sit there
20 and talk to him.

21 MR. LANE: We propose to call Morita Lorenz.

22 MR. DUNNELL: We filed another motion to compel.

23 THE COURT: Compel what?

24 MR. DUNNELL: Answer by her to four questions. She
25 refused to answer in here deposition.

1 THE COURT: She is not a party.

2 MR. LANE: They filed it after the trial started.

3 MR. DUNNELL: -That is not correct. We filed it before
4 trial start on Monday.

5 THE COURT: Were you present in the deposition?

6 MR. DUNNELL: Yes, I was.

7 THE COURT: What is her failure to answer?

8 MR. DUNNELL: I refuse to answer.

9 MR. LANE: She works for the CIA.

10 THE COURT: That I will not consider you that the
11 discovery was long closed on that.

12 MR. DUNNELL: A second point, Your Honor, it was
13 stipulated to by Mr. Lane this deposition we had two days
14 notice, and it was agreed and stipulated to on the record that
15 Mr. Lane would not use his deposition at this trial if we did
16 not have a chance to depose Miss Lawrence.

17 I notified him twice on the record the deposition
18 subsequently that we wanted to take her deposition and never
19 had a chance to.

20 Subsequently since we were waving our right to object
21 to the original deposition because the shortness of time, that
22 we wanted take a chance to take it again. We agreed to it, and
23 we have a chance to.

24 THE COURT: Take a recess and take it.

25 MR. LANE: She is not here.

1 THE COURT: Where is she?

2 MR. LANE: In the New York area where the deposition
3 was taken. -- --

4 THE COURT: Is it cold up there?

5 MR. LANE: I would like to stay here for a few more
6 days can you arrange it.

7 THE COURT: I can.

8 MR. LANE: The stipulation in the beginning of that
9 transcript speaks for itself because she would not give her
10 address that they can serve me. If they wanted to depose her
11 at any time in the stuff and I would not allow the fact that
12 they could not reach her to interfere with this.

13 They have the right, but they did not tell us that
14 they were present. They asked more questions than I did, many
15 more questions than I did, and they were fully presented with
16 all kinds of documents, and then when the trial began they told
17 us they wanted to depose her. And it was too late.

18 THE COURT: Counsel --

19 MR. DUNNELL: The time record is this, Your Honor:
20 Morita's depo was taken on January 11th of Friday 1985. We
21 received a transcript from that proceeding, I was there. We
22 received it Monday ten days later, ten days later, and then we
23 received the notification from your secretary that Wednesday
24 that we should come to trial what Mr. Lane is saying
25 intervention two days. We should have been notifying him to

1 take the deposition.

2 MR. LANE: I think you should have done it after the
3 deposition before--the transcript you knew we were get getting
4 to close to the time.

5 MR. DUNNELL: We were conducting an investigation
6 trying to find out if from the CIA if they employed her. It is
7 not an easy matter.

8 MR. LANE: We have.

9 MR. DUNNELL: She made allegations that have never be
10 made public before.

11 MR. LANE: It is all in the presence. You had all the
12 clippings showing what she said before you knew her name
13 because you were talked about here months before.

14 MR. LANE: We had that set up ones before, and it fell
15 through because I became ill. It was months ago you knew who
16 she was.

17 THE COURT: I am a little reluctant to be delaying the
18 trial to take depositions. When you were there you could have
19 asked all the was questions you wanted to. What is it you
20 omitted the first time.

21 Why did you not omit it the first time.

22 MR. DUNNELL: No chance to investigate who this
23 person was. We never knew she alleged Howard Hunt had anything
24 to do with this trip she took from Miami to Dallas.

25 THE COURT: It states it on the deposition.

1 MR. DUNNELL: She said for the first time --

2 MR. LANE: Mr. Dunnell you contributed here with
3 clippings that you had in your possession where she said the
4 same thing years before in the presence.

5 MR. DUNNELL: Will you stipulate those clippings come
6 into evidence in the case.

7 MR. LANE: The clippings can't be evidence. You had
8 them so you knew what the substance was.

9 MR. DUNNELL: Can you stipulate. I agree can read
10 what those clippings take to the jury.

11 MR. LANE: Know the --

12 MR. DUNNELL: You tell me I had notice. I found AP
13 wire service. I hopped on the Lexis for ten minutes before I
14 went to the dentist on Friday morning. I am saying they do
15 contradict.

16 MR. LANE: You and Bill Snyder said that's heavy duty
17 stuff. We know about her that is the first thing you told.

18 MR. DUNNELL: Fleming told me Maria Kirkland.

19 MR. LANE: That is her name. I told you it was
20 Morita.

21 THE COURT: Ladies and gentlemen, we will let you be
22 excused.

23 (Jury left.)

24 MR. LANE: The deposition could be used; defects and
25 notice of are waived until the written notice much and may be

1 used for any purpose.

2 THE COURT: We are not talking about the use of the
3 deposition. I am not talking about that. I am trying to
4 ascertain whether or not the facts of what agreements you had,
5 and I am sure both of you honoring the agreement, take an
6 additional inquiry of the witness.

7 THE COURT: If you understood additional inquiry would
8 be available and you say you don't have to know where she
9 lives, et cetera, et cetera. Then that is one thing.

10 MR. LEE: I understand Mr. Lane.

11 MR. LANE: I am right here. It is not needed to
12 interpret my words. Sometimes as I said speaks for itself. I
13 will be available as a conduit to notice if you should you want
14 to do that in the future.

15 I will not use the fact you can't reach her because
16 you don't have her address. She is afraid. She said she is
17 afraid. Hunt will kill her. On the record I said I am
18 available.

19 THE COURT: I don't know if that is true or not, that
20 is not my determination.

21 MR. LANE: Sometimes we won't use this. If you want
22 to get her again, and you can't I will take the responsibility.
23 Then they waited weeks.

24 THE COURT: How much is it after that you are talking
25 about, how much time?

1 MR. LANE: January 11th he says.

2 THE COURT: You waited until when.

3 MR. LANE: Until the trial began on Monday.

4 MR. DUNNELL: We could taking he deposition again. We
5 discussed retaking her deposition at the conference we had at
6 your office, on January 25 less than a week after.

7 MR. LANE: I said she is always available. Tell me
8 any time in the New York area.

9 MR. DUNNELL: You said we are going forward with the
10 trial.

11 MR. LANE: That is when the trial was set.

12 MR. DUNNELL: 25th was on Friday.

13 THE COURT: I am afraid from listening to you I think
14 you had some miscommunications problem. I am not trying to
15 blame anybody, but it would appear you agreed there was a
16 problem, strong possibility some cross examination.

17 In the interest of justice, we will recess the trial
18 and let you go up there and come on back.

19 MR. LANE: If that is what they want and that is what
20 the Court says that is what we will do.

21 MR. DUNNELL: I feel we are within the intent to it.
22 Let me see, I don't want to leave Miami and go back to New York
23 and then come back to Miami any more than Mr. Lane does.

24 MR. LANE: I just want to stay here. Coming back is
25 not the problem.

1 THE COURT: I know you live in a great wonderful area.

2 MR. LANE: We will fly up.

3 MR. DUNNELL: If will you agree, we are able to use
4 those news clipping I examined here about to publish.

5 MR. LANE: Perhaps we can discuss this over lunch.

6 THE COURT: Let's get the jury in and we will take an
7 hour and a half for lunch. As I if we can do something. You
8 have to fish or cut bait, and let us know what we are doing.
9 No use keeping the jury waiting if you have to fly back to New
10 York. Would a four hour and a half that be sufficient.

11 MR. LANE: That would be fine.

12 (Jury entered.)

13 THE COURT: Ladies and gentlemen, again, we will have
14 to have some time to work over several matters. We will take
15 our lunch break at this time. We will take a little longer
16 than normal. We will take an hour and a half for lunch, so it
17 will be 1:30, thank you come back. Same instructions, same
18 admonition I have given you last week would be applicable this
19 week any additional requested charges at this time from the
20 plaintiff?

21 MR. SNYDER: No, Your Honor.

22 THE COURT: From the defendant?

23 MR. LANE: No.

24 THE COURT: 1:30.

25 (Jury left.)

1 THE COURT: I have the facilities for and I don't know
2 how many, but a conference call. Is there any possibility that
3 I could accomodate you by permitting this use of this phone to
4 take the balance of this deposition if it needs be by a
5 conference call.

6 MR. DUNNELL: That is a possibility. Mr. Lane and I
7 will discuss during lunch, Your Honor.

8 THE COURT: That is one of the alternatives. Nobody
9 discussed it here at sidebar.

10 MR. LANE: Another one might be an affidavit, an
11 affidavit to answer every question that as if it with an
12 interrogatory.

13 MR. DUNNELL: We don't think letters, interrogatories
14 would be sufficient in this case. Thank you.

15 MR. LANE: Well, whatever.

16 THE COURT: I would urge you as officers of the Court,
17 I am not thrilled about delaying this trial another half day or
18 today while you all fly to New York and back. So, if you can
19 work out something I would appreciate it very much.

20 (Lunch recess taken.)

21 THE COURT: What is on your posture, please.

22 MR. SNYDER: We have reached an agreement on one
23 issue, but not on the other. We have agreed to allow them to
24 read -- Morita Lorenz's deposition to be read provided we can
25 publish by stipulation certain one thing to the one jury, and

1 Mr. Lane agreed to that.

2 So, I think that will take care of our problem with
3 that we have not reached a resolution on the accountant, and we
4 still -- the plaintiff still objects to having him at this late
5 date.

6 THE COURT: Somebody please inform me what it is he
7 purports to testify to.

8 MR. LEE: Yes, Your Honor, we did have a conversation
9 with the accountant and I asked him the questions I would have
10 asked him here. Mr. Snyder questioned him, he would testify
11 simply as to the meaning of the phase of the two financial
12 statements put into evidence.

13 The two financial statements of Liberty Lobby. He
14 would testify that the net worth of Liberty Lobby shown in both
15 of those statements in is a minus. He would testify that he
16 does not believe any other accountant could disagree with that
17 unless he went through the whole thing item-by-item, and
18 somehow disagreed with the accounting procedure, which is, as I
19 understand it, amounts to those categories.

20 So unless I am overlooking something that is the
21 essence of what we want, which will enable to jury to make some
22 sense out of those figures, something that will not rely on an
23 opinion of another layman as to that amount.

24 THE COURT: Anything else, any more argument?

25 MR. SNYDER: We have something on this point.

1 MR. LANE: If I may say one thing. We have a document
2 in a foreign language, and we want somebody who could translate
3 it in to what the language of the jury speaks.

4 I don't know if there is anybody here who can look at
5 these two financial statement that the plaintiff put in, which
6 we gave to them, who could understand it.

7 I think it provides for a real play ground for
8 speculation for someone to look at those things and try to
9 figure it out. It was a document in a foreign language, and we
10 want somebody to say this is what it says without any question.

11 MR. SNYDER: Your Honor, if this accountant goes on, I
12 would have to ask him, Mr. Bloom has Mr. Lee supplied you with
13 a copy of the committee to defend Liberty Lobby? Do you know
14 the relationship between the two corporations?

15 THE COURT: That is not the purpose, and it would not
16 be in cross examination of anything brought out on direct. I
17 will limit them to any testimony that becomes before us on
18 those statements.

19 MR. SNYDER: Judge, the problem is if we get into
20 CDLL, we get into a full pledged attack on persuing the
21 corporate vail that we thought we made an at that time call
22 decision to a began didn't.

23 THE COURT: I agree.

24 MR. SNYDER: We will then have to read some very
25 lengthy depositions to get the jury's attention drawn to the if

1 you think built of these two corporations just the left pocket
2 and right pocket.

3 THE COURT: What I want your response to counsel has
4 tried to equate the statement to something that is in a foreign
5 language and needs to be interpreted. That is the sole basis
6 that they make that presentation.

7 MR. SNYDER: I don't think nobody explained at the
8 first trial. I don't think there is any need to now.

9 THE COURT: That is like the difference between night
10 and day.

11 MR. DUNNELL: Your Honor, the reason it is so
12 prejudicial, it is February of 1985, and the defendant has
13 known their financial worth was an issue in this cause since
14 1980, and they waited until the sixth day of a second trial to
15 come forward and proffer to the plaintiff that they want to put
16 on an accountant whose completely unrelated to Liberty Lobby.

17 Now, we have taken a deposition in Washington of the
18 controller of Liberty Lobby. Mr. Carto was here earlier, his
19 position with Liberty Lobby is treasurer. Those people were
20 competent to talk about Liberty Lobby and the finance the best
21 we can do is a plaintiff was to put in the two most recent
22 statements that Liberty Lobby turned over to us, and we have
23 done so, and the jury has them now.

24 They want to bring in accountant from Florida to read
25 these from them in his interpretation. We are severely

1 prejudiced by that. That is the position, under the local
2 rules and under the Federal Rules it never told us about this
3 person, and we never had a chance, and we think it is to
4 prejudicial to come in.

5 THE COURT: Everybody had a full say.

6 MR. LANE: One last thing they did. Questioned Mr.
7 Hunt, who is the controller, and he gave them figures as to net
8 worth, but they didn't read that to the jury. I proffered Mr.
9 Carto the treasurer. They never questioned him about that.
10 They took instead documents that we gave them under discovery
11 procedure.

12 We had no idea that is how they would try to proceed
13 with the evidence in this case, and when the Court said to us
14 one day give them the figure we talked to Mr. Carto and they
15 won't stipulate.

16 He will say that is the figure so all we are left with
17 are documents that we gave them, which are accurate, we
18 believe, but which require interpretation, and we are surprised
19 that is what they want to put in without interpretation.

20 MR. DUNNELL: I would challenge Mr. Lane, Your Honor,
21 to show me where in Hunt's deposition he ever gave a net worth
22 to Liberty Lobby. I submit it never occurred and as to Mr.
23 Carto's number, they themselves have just told, Your Honor,
24 they would like us to stipulate to the 180,000, and we think
25 that is severally under value.

1 Now, they over to call in an accountant who will go
2 beyond the 188 plus he will say a million, two million.

3 THE COURT: That is what they proffered. It may not
4 be what I let in.

5 MR. DUNNELL: Thank you, Your Honor,

6 THE COURT: Anything else. I will let him testify. I
7 will also delay the trial if you care to have an account, and
8 the limited to this phase that is purely the interpretation of
9 experts with reference to those two documents.

10 I at this point do not feel this inquiry has opened up
11 anything about any defense fund or whatever the initials are
12 defense fund. If you care to have that opportunity I will make
13 it available to you for any one of our competent accountants
14 here in Dade County, or South Florida, or anywhere you want to
15 go. I will give you the time. Bring the jury in.

16 MR. LEE: Would you prefer Mr. Bloom so we can call
17 him.

18 THE COURT: Just call him and get him here.

19 (Jury entered.)

20 THE COURT: You have a deposition.

21 MR. LANE: Yes, Your Honor. This is Exhibit AA in
22 evidence, and Defendant's Exhibit JJ in evidence.

23 THE COURT: You may proceed.

24 MR. LANE: This is a deposition of Marita Lorenz. We
25 are asking Julia who is the wife of the my colleague in this

1 case to read it.

2 This is the deposition taken of Marita Lorenz in New
3 York City on January 11th, 1985. Present was Kevin Dunnell for
4 the Plaintiff, and I was there for the defendant.

5 "QUESTION: What is your name?

6 "ANSWER: Marita Lorenz."

7 "QUESTION: What is your present occupation?

8 "ANSWER: I do undercover work for an
9 intelligence agency.

10 "QUESTION: Are you permitted to discuss the
11 nature of that work or where you work?

12 "ANSWER: No, I am not.

13 "QUESTION: Is it also true that, as I have
14 stipulated, that you do not wish to give your
15 home address?

16 "ANSWER: No, I do not.

17 "QUESTION: Have you been employed by the
18 Central Intelligence Agency?

19 "ANSWER: Yes.

20 "QUESTION: Are you at liberty to discuss the
21 details of that employment?

22 "ANSWER: No.

23 "QUESTION: Have you been employed by the
24 Federal Bureau of Investigation?

25 "ANSWER: Yes.

1 "QUESTION: Are you at liberty to discuss
2 that?

3 "ANSWER:-- No.--

4 "QUESTION: Have you been employed by the New
5 York City Police Department?

6 "ANSWER: Yes.

7 "QUESTION: Was that intelligence work?

8 "ANSWER: Yes.

9 "QUESTION: Are you at liberty to discuss the
10 details of that work?

11 "ANSWER: No.

12 "QUESTION: During 1978, did you appear as a
13 witness before the United States House of
14 Representatives Select Committee on
15 Assassinations?

16 "ANSWER: Yes.

17 "QUESTION: Was that in relationship to the
18 assassination of President John F. Kennedy?

19 "ANSWER: Yes.

20 "QUESTION: Did you appear as a witness after
21 the chief judge of the United States District
22 Court of Washington had signed an offer
23 conferring immunity upon you and compelling
24 you to testify?

25 "ANSWER: Yes.

1 "QUESTION: I am going to show you an
2 original document, and ask you if this is the
3 document which was served upon you which was
4 signed by Judge Bryant?

5 "ANSWER: Yes.

6 "QUESTION: I will show you this other
7 document marked Defendant's Exhibit 1, and
8 ask you if that is an exact copy of the
9 original?

10 "ANSWER: Yes.

11 "QUESTION: During and prior to November
12 1963, did you live in Miami, Florida?

13 "ANSWER: Yes, I did.

14 "QUESTION: I want you to understand, if I
15 ask you any question which you are not
16 permitted to answer, you may of course say
17 that, but I will try, based upon my previous
18 interview with you, I will try to ask
19 questions which you can answer.

20 "ANSWER: Yes.

21 "QUESTION: During and before November of
22 1963, did you work on behalf of the Central
23 Intelligence Agency in the Miami area?

24 "ANSWER: Yes.

25 "QUESTION: Did you work with man named Frank

1 Sturgis while were you working for the CIA?

2 *ANSWER: Yes, I did.

3 "QUESTION: Was that in Miami during and prior
4 to November 1963?

5 "ANSWER: Yes.

6 "QUESTION: What other names, to your
7 knowledge, is Frank Sturgis known by?

8 "ANSWER: Frank Fiorini, Hamilton; the last
9 name, Hamilton.

10 "QUESTION: Was Mr. Fiorini or Sturgis, while
11 you worked with him, also employed by the
12 Central Intelligence Agency?

13 "ANSWER: Yes.

14 "QUESTION: During that time were payments
15 made to Mr. Sturgis for the work he was doing
16 for the CIA?

17 "ANSWER: Yes.

18 "QUESTION: Did you ever witness anyone make
19 payments to him for the work which you and
20 Mr. Sturgis were both involved in?

21 "ANSWER: Yes.

22 "QUESTION: Who did you witness make payment
23 to Mr. Sturgis?

24 "ANSWER: A man by the name of Eduardo, E.
25 Howard Hunt.

1 "QUESTION: Eduardo is?

2 "ANSWER: The code name; the real name is E.

3 Howard Hunt. -

4 "QUESTION: Did you know him and meet him

5 prior to November 1963?

6 "ANSWER: Yes.

7 "QUESTION: Did you witness payments made by

8 Mr. Hunt to Mr. Sturgis or Mr. Fiorini on

9 more than one occasion prior to November of

10 '63?

11 "ANSWER: Yes.

12 "QUESTION: Did you go on a trip with Mr.

13 Sturgis from Miami prior to November '63?

14 "ANSWER: Yes.

15 "QUESTION: Was anyone else present with you

16 when you went on that trip?

17 "ANSWER: Yes.

18 "QUESTION: When method did you use, of

19 transportation?

20 "ANSWER: By car.

21 "QUESTION: Was there one or more cars?

22 "ANSWER: There was a follow-up car.

23 "QUESTION: Does that mean two cars?

24 "ANSWER: Backup; yes.

25 "QUESTION: What was in the follow-up car, if

1 you know?

2 "ANSWER: Weapons."

3 "QUESTION: Without asking you any of the
4 details involving the activity you and Mr.
5 Sturgis and Hunt were involved in, may I ask
6 you if some of that activity was related to
7 the transportation of weapons?

8 "ANSWER: Yes.

9 "QUESTION: Did Mr. Hunt pay Mr. Sturgis sums
10 of money for activity related to the
11 transportation of weapons?

12 "ANSWER: Yes.

13 "QUESTION: Did Mr. Sturgis tell you where you
14 would be going from Miami, Florida, during
15 November of 1963 prior to the time that you
16 traveled with him in the car?

17 "ANSWER: Dallas, Texas.

18 "QUESTION: He told you that?

19 "ANSWER: Yes.

20 "QUESTION: Did he tell you the purpose of the
21 trip to Dallas, Texas?

22 "ANSWER: No, he said it was confidential.

23 "QUESTION: Did you arrive in Dallas during
24 November of 1963?

25 "ANSWER: Yes.

1 "QUESTION: After you arrived in Dallas, did
2 you stay at any accommodations there.

3 "ANSWER:-- Motel.

4 "QUESTION: While you were at that motel, did
5 you meet anyone other than those who were in
6 the party traveling with you from Miami to
7 Dallas?

8 "ANSWER: Yes.

9 "QUESTION: Who did you meet?

10 "ANSWER: E. Howard Hunt.

11 "QUESTION: Was there any one else who you saw
12 or met other than Mr. Hunt?

13 "ANSWER: Excuse me.

14 "QUESTION: Other than those?

15 "ANSWER: Jack Ruby.

16 "QUESTION: Tell me the circumstances
17 regarding your seeing E. Howard Hunt in
18 Dallas in November of '63?

19 "ANSWER: There was a pre-arranged meeting
20 that E. Howard Hunt deliver sums of money
21 for the so-called operation that I did not
22 know its nature.

23 "QUESTION: Were you told what your role was
24 to be?

25 "ANSWER: Just a decoy at the time.

1 "QUESTION: Did you see Mr. Hunt actually
2 deliver money to anyone in the motel room
3 which you were present in?

4 "ANSWER: Yes.

5 "QUESTION: To whom did you see him deliver
6 the money?

7 "ANSWER: He gave an envelope of cash to Frank
8 Fiorini.

9 "QUESTION: When he gave the envelope, was the
10 cash visible as he had it in the envelope?

11 "ANSWER: Yes.

12 "QUESTION: Did you have a chance to see the
13 cash after the envelope was given to Mr.
14 Fiorini?

15 "ANSWER: Frank pulled out the money and
16 flipped it and counted it and said "that is
17 enough" and put it in his jacket.

18 "QUESTION: How long did Mr. Hunt remain in
19 the room?

20 "ANSWER: About forty-five minutes.

21 "QUESTION: Did anyone else enter the room
22 other than you, Mr. Fiorini, Mr. Hunt and
23 others who may have been there before Mr. Hunt
24 arrived?

25 "ANSWER: No.

1 "QUESTION: Where did you see the person you
2 identified as Jack Ruby?

3 "ANSWER:-- After Eduardo left, a fellow came
4 to the door and it was Jack Ruby, about
5 an hour later, forty-five minutes to an hour
6 later.

7 "QUESTION: When you say Eduardo, who are
8 you referring to?

9 "ANSWER: E. Howard Hunt.

10 "QUESTION: When did that meeting take place
11 in terms of the hour; was it daytime or
12 Nighttime?

13 "ANSWER: Early evening.

14 "QUESTION: How soon after that evening
15 meeting took place, did you leave Dallas?

16 "ANSWER: I left about two hours later; Frank
17 took me to the airport and we went back to
18 Miami.

19 "QUESTION: When you arrived in Miami, did you
20 remain there for period of time?

21 "ANSWER: Just to pick up my daughter and to
22 leave for up north.

23 "QUESTION: As you know, President John F.
24 Kennedy was assassinated on November 22,
25 1963?

1 "ANSWER: Yes.

2 "QUESTION: Can you place this meeting in the
3 motel room with Mr. Sturgis, Mr. Hunt,
4 yourself and others, in relationship to
5 November 22nd, 1963?

6 "ANSWER: Can I place; where was I.

7 "QUESTION: No. Can you tell us in
8 relationship to the date President Kennedy
9 was killed, when this meeting took place?

10 "ANSWER: The day before.

11 "QUESTION: Is it your testimony that the
12 meeting which you just described with Mr.
13 Hunt making the payment of money to Mr.
14 Sturgis took place on November 21st, 1963?

15 "ANSWER: Yes.

16 "QUESTION: When was the first time you met
17 with me?

18 "ANSWER: In 1977.

19 "QUESTION: On that occasion, did you tell me
20 in words or substance exactly the same thing
21 you testified to today?

22 "ANSWER: Yes.

23 "QUESTION: Two days after President Kennedy
24 was assassinated on November 24th, 1963, Lee
25 Harvey Oswald, who was arrested and charged

1 with the assassination of President Kennedy
2 and the murder of President Police Officer J.
3 D. Tippit, was killed in Dallas by a man
4 named Jack Ruby?

5 "ANSWER: Yes.

6 "QUESTION: On that occasion and subsequent to
7 that time, did you see pictures of Jack Ruby
8 in the newspaper and did you see Jack Ruby on
9 television?

10 "ANSWER: Yes, I did.

11 "QUESTION: Is it your testimony the man who
12 killed Lee Harvey Oswald is, to the best of
13 your ability to identify him, the person in
14 the room in the motel in Dallas the night
15 before the President was killed?

16 "ANSWER: Yes.

17 "QUESTION: Have you even ever seen Jack Ruby
18 before November 21st, 1963?

19 "ANSWER: No."

20 "MR. LANE: No further questions."

21 That was the end of my direct examination at
22 which point Mr. Dunne began his examination. These questions
23 are by Mr. Dunne.

24 "CROSS EXAMINATION

25 "BY MR. DUNNE:

1 "QUESTION: What is your opportunity current
2 name?

3 "ANSWER:-- My current name?

4 "QUESTION: Yes.

5 "ANSWER: Marits Lorenz Kirkland.

6 "QUESTION: Is that a married name?

7 "ANSWER: Yes, K-I-R-K-L-A-N-D.

8 "QUESTION: Have you been known also as Marita
9 Lorenz?

10 "ANSWER: No, not that I know of.

11 "QUESTION: Have you ever seen your name
12 published in print, M-A-R-I-T-A.

13 "ANSWER: Not that I recall. May be in a
14 foreign paper.

15 "QUESTION: How do you spell your first name
16 correctly?

17 "ANSWER: M-A-R-I-T-A.

18 "QUESTION: How about your last name, has it
19 ever be spelled, L-O-R-E-N-T?

20 "ANSWER: No.

21 MR. LANE: Spelled by her and the answer.

22 MR. DUNNE: Yes.

23 "QUESTION: What intelligence agency are you
24 working for now?

25 "ANSWER: New York Police Intelligence and

1 Drug Enforcement.

2 "QUESTION: Mr. Lane just gave you some advice
3 here. Is he representing you today, here at
4 today's deposition?

5 "ANSWER: Statement."

6 MR. DUNNELL: Could we have the deposition
7 read as it is with some of the colloquy.

8 MR. LANE: I asked if you wanted to omit the colloquy
9 if you want me read every word I will it is not what we have
10 done thus far.

11 MR. DUNNELL: If you can read line twelve and
12 thirteen.

13 "MR. LANE: If you feel you cannot answer
14 that, you don't have to."

15 MR. DUNNE: Let's go back to line ten.

16 "QUESTION: What intelligence agency are you
17 working for now?

18 "MR. LANE: If you will feel you cannot
19 answer that, you don't have to?

20 "ANSWER: New York Police Intelligence and
21 Drug Enforcement.

22 "QUESTION: Mr. Lane just gave you some advice
23 here. Is he representing you today, here
24 today's in?

25 "MR. LANE: I am not the attorney. I have

1 had a meeting and assured her that I would
2 ask only questions that she is at liberty to
3 answer.-- This is the same position you took
4 with the intelligence officers deposed in the
5 past.

6 "MR. DUNNE: I had no right to take that
7 position. That was Mr. Sullivan. At the
8 Phillip deposition, my objections were to
9 relevance and materiality. They had nothing
10 to do with secret information protected by
11 the United States Codes provision."

12 "QUESTION: Mr. Lane asked you about your
13 employment with the CIA. You testified you
14 cannot discuss it. You just proceeded to
15 discuss it.

16 "I would like to know about the rest of
17 your CIA employment. We can begin
18 chronologically when you first started?

19 "ANSWER: I took an oath not to discuss
20 certain aspects of it and I will hold myself
21 to that oath. I can tell you I did start
22 working for them in 1959.

23 "QUESTION: When you took that oath, did you
24 take the oath to tell part of it and not all
25 of it, which you learned when you were

1 employed by the CIA?

2 "ANSWER: No.

3 "QUESTION: So that the oath was that you
4 would keep everything secret while employed
5 by the CIA?

6 "ANSWER: Everything other than what they told
7 me would be exposed when I was publicly
8 exposed.

9 "QUESTION: When were you publicly exposed?

10 "ANSWER: In the press in 1975.

11 "QUESTION: By whom?

12 "ANSWER: New York press.

13 "QUESTION: How did that happen?

14 "ANSWER: That was due to Frank Sturgis.

15 "QUESTION: Did you give an interview with the
16 New York Daily News?

17 "ANSWER: No, Frank Sturgis arranged that.

18 "QUESTION: For what purpose?

19 "ANSWER: Well, in his own words" --

20 "MR. LANE: What purpose did Frank Sturgis arrange it?
21 I will object. It is beyond the confidence of this
22 witness.

23 "MR. DUNNE: The witness proceeded to answer it.

24 "QUESTION: You understand that Mr. Lane and
25 I can make objections that are reserved until

1 the time of trial, but they have nothing to
2 do with your testifying. You are required,
3 under the rules of Court to answer."

4 MR. LANE: If you are representing her and giving your
5 legal advice, you are giving her incorrect advice.

6 "QUESTION: Answer the question, please.

7 "ANSWER: It was public anyway, but Frank in
8 his own words, Fiorini Sturgis Alexander
9 Hamilton said to expose me would take a lot
10 of the heat off of him, and the Watergate
11 thing with Howard, while he was on his way to
12 Danbury.

13 "QUESTION: Who is "he"?

14 "ANSWER: Frank Sturgis served time in Danbury
15 state Penitentiary. Those were his reasons.
16 He did not want the other things coming out
17 and this would throw off the active members.

18 "QUESTION: How would it take the heat off
19 Howard Hunt."

20 "MR. LANE: Objection; you are asking her to
21 explain how Sturgis would be correct or incorrect.

22 "QUESTION: I will ask you your opinion."

23 "MR. LANE: I will object.

24 "ANSWER: I cannot answer. I will answer that
25 wrongly against Hunt.

1 "QUESTION: How can it take the heat off of
2 Hunt, if he was serving time as of the time
3 Sturgis" -- --

4 "QUESTION: Could you explain to me your prior
5 testimony at this deposition, as to how it would take
6 the heat off of Howard Hunt?"

7 "MR. LANE: Objection, she said Sturgis said that.

8 "QUESTION: Could you answer that, please?

9 "ANSWER: I don't know what he meant. That is
10 what I was going to say next.

11 "QUESTION: Your testimony is that Frank
12 Sturgis made these statements to the press on
13 his way to Danbury?

14 "ANSWER: Well, he was in between Danbury and
15 Washington, D.C., at that time and contacted
16 the New York press.

17 "QUESTION: He was already convicted?

18 "ANSWER: I assume so.

19 "QUESTION: On his way to prison?

20 "ANSWER: Yes.

21 "QUESTION: What did you do about those
22 statements that you testified Frank Sturgis
23 made at that time.

24 "ANSWER: What am I going to do when he
25 already put it in the press, pictures and

1 documents and things he had of mine that he
2 had no right to have, and exposed me.

3 "QUESTION: What did you do, if anything?

4 "ANSWER: I called my station chief here in
5 New York.

6 "QUESTION: You were still employed by the
7 CIA?

8 "ANSWER: And the FBI at the time, yes.

9 "QUESTION: Who was your station chief?

10 "ANSWER: I cannot name names of any
11 superiors. It is unfair and there is a law
12 against it today.

13 "QUESTION: You were employed by FBI at that
14 time?

15 "ANSWER: Yes.

16 "QUESTION: What were you being paid?"

17 "ANSWER: I was doing espionage work and it
18 was -- the pay was not regular. It was in
19 cash. I was on record.

20 "QUESTION: Payments were in cash?

21 "ANSWER: Sometimes; yes, depending on the
22 assignments.

23 "QUESTION: Did you claim them on your tax
24 returns?

25 "ANSWER: I cannot answer that."

1 MR. LANE: Objection.

2 "QUESTION: Why not?

3 "ANSWER: You will have to just call the FBI
4 on that.

5 "QUESTION: Is your testimony you will not
6 tell me whether or not you claimed these cash
7 payments on the tax returns because of some
8 secrecy oath?

9 "ANSWER: On assignment, if there was a cash
10 transaction with the Soviet, there had to be
11 transaction and it came from that end, not my
12 end. I got paid the way every other employee
13 was paid.

14 "QUESTION: This was compensation?

15 "ANSWER: It was for work.

16 "QUESTION: You wouldn't claim that on IRS tax
17 return, the compensation that you were paid,
18 you would not claim that on the IRS Tax
19 return?"

20 MR. LANE: Objection

21 BY MR. DUNNE:

22 "QUESTION: You can answer.

23 "ANSWER: If I declared that --

24 MR. LANE: It is an area of secrecy. If she declares
25 it, it leaves a trail.

1 "ANSWER: He is answering correctly. On
2 assignment, I did not declare every penny I
3 got. You have to ask an accountant for
4 twenty years of cash envelopes on assignment
5 purposes from these intelligence superiors.

6 "QUESTION: At your second deposition that I
7 will be taking in this matter, will you
8 produce voluntarily your IRS tax returns?"

9 MR. DUNNELL: I asked Mr. Lane to read the question
10 properly. He missed two words in that question. He was
11 reading at a speed. I cannot understand it.

12 MR. LANE: I will try to do it more slowly.

13 "QUESTION: At your second deposition, that I
14 will be taking in this matter, will you
15 produce voluntarily your IRS tax returns?

16 "ANSWER: Yes.

17 "QUESTION: Then I would ask that you do that
18 whenever we set up a second date.

19 "Were you continually employed by the
20 CIA from 1959 to whenever your relationship
21 with them terminated, after 1975?

22 "ANSWER: On and on off.

23 "QUESTION: Have you ever given testimony or
24 made statements concerning any of your
25 involvement with the CIA?

1 "ANSWER: To whom?

2 "QUESTION: I am asking the questions here.

3 The question is, have you ever. The answers
4 is, "yes" or "no".

5 "ANSWER: No.

6 "QUESTION: You have never made statements to
7 anyone in the news media about anything to do
8 with CIA-related work that you have
9 undertaken?

10 "ANSWER: Possibly after it was already
11 exposed.

12 "QUESTION: Did you ever come forward to the
13 Warren Commission?

14 "ANSWER: I was told not to get involved with
15 that, at the time.

16 "QUESTION: By whom?

17 "ANSWER: That, I don't recall. That was
18 quite a while ago.

19 "QUESTION: Well, now, you have early
20 testified with specificity of things that
21 occurred in November of 1963. I would assume
22 you were told not to testify before the
23 Warren Commission before November of 1963?

24 "ANSWER: I was never told. I was called to
25 the House Assassination Committee.

1 "QUESTION: Why were you called to the House
2 • Assassination Committee?"

3 MR. LANE: If she knows.

4 "ANSWER: Because they obviously knew I was
5 working for the CIA at the time, and several
6 of the operations that were in question, I
7 was in. I did not deny it.

8 "QUESTION: Are you finished with your answer?

9 "ANSWER: Yes.

10 "QUESTION: Isn't it true that you gave
11 statements to investigators before you were
12 given this immunity as the order signed by
13 the judge that Mr. Lane identified as
14 Defendant's Exhibit 1?

15 "ANSWER: Which investigators?

16 "QUESTION: I am asking the questions."

17 MR. LANE: It is not a fair question.

18 "QUESTION: Did you make any statements" --

19 MR. LANE: She is asking what the question is.

20 Be precise.

21 "QUESTION: Have you ever made statements to
22 anyone concerning what you testified to
23 before the House Select Committee on
24 Assassinations before you were given the
25 immunity that is identified in Defendant's

1 Exhibit 1.

2 "ANSWER: Yes, to attorneys.

3 "QUESTION: For whom?

4 "ANSWER: My attorney at the time.

5 "QUESTION: Who was?

6 "ANSWER: Lawrence W. Kreiger.

7 "QUESTION: In New York?

8 "ANSWER: Yes.

9 "QUESTION: Is he still your attorney?

10 "ANSWER: No; he represents Teddy Kennedy.

11 "QUESTION: Have you ever made statements to
12 anyone besides Mr. Kreiger of the testimony
13 you subsequently gave to the House Committee?

14 "ANSWER: The FBI agents.

15 "QUESTION: Anyone else?

16 MR. LAMB: She testified to me?

17 THE WITNESS: Yes.

18 "QUESTION: Anyone else?

19 "ANSWER: No.

20 "QUESTION: When did you make the statement to
21 the FBI agent?

22 "ANSWER: Just before the committee subpoenaed
23 me.

24 "QUESTION: Did you ever make statements to
25 investigators to the committee, who were not

1 FBI agents?

2 "ANSWER: Not that I recall.

3 "QUESTION: Did you ever make statements to
4 any member of the press before you testified
5 to the committee?"

6 MR. LANE: About what?

7 "ANSWER: About what?

8 "QUESTION: About any of the testimony you
9 gave before about the House Committee?

10 "ANSWER: Yes; sure. You will find that on
11 record. It was put on the press before I had
12 chance to --

13 "QUESTION: Are you finished?

14 "ANSWER: Yes.

15 "QUESTION: Did you ever make statements to
16 the press yourself?

17 "ANSWER: Yes. When I was on television, I
18 went on television.

19 "QUESTION: Would that be before or after this
20 exhibit was signed?

21 "ANSWER: I don't recall. I think that was
22 before.

23 "QUESTION: Would it be in calendar year 1977.

24 "ANSWER: Yes, it was before the testimony.

25 "QUESTION: What was the nature of your

1 testimony before the House Sub-Committee, the
2 HSCA, if you understand what I mean by that?

3 "ANSWER:-- All my activities practically since
4 1959, intelligence activities up to that
5 up to that time.

6 "QUESTION: Up Until 1978, when you testified?

7 "ANSWER: Yes.

8 "QUESTION: Were you still employed by the CIA
9 on any basis?

10 "ANSWER: I cannot answer that "yes" or "no"
11 right now.

12 "QUESTION: When you testified before the
13 HSCA, that testimony was after you were given
14 this kind of immunity, that is identified in
15 this document labeled Defendant's Exhibit 1?

16 "ANSWER: Yes.

17 "QUESTION: Your answer to that was, yes?

18 "ANSWER: Yes.

19 "QUESTION: Was it in open or closed session?

20 "ANSWER: Closed.

21 "QUESTION: Executive session?

22 "ANSWER: Yes.

23 "QUESTION: Have you ever seen a transcript of
24 your testimony?

25 "ANSWER: No.

1 "QUESTION: You were never shown a transcript
2 to correct any errors you might have made or
3 that were made transcribing?

4 "ANSWER: Yes, I did, by an attorney and I
5 dismissed the attorney after that.

6 "QUESTION: Your attorney was given a copy to
7 look at?

8 "ANSWER: Yes.

9 "QUESTION: In fact, is it true that a copy
10 was sent to him wherever his office was
11 located?

12 "ANSWER: As far as I know.

13 "QUESTION: Where was it, specifically that
14 you saw that copy of your testimony?

15 "ANSWER: I did not see a copy of it. He said
16 he would receive something from me to correct
17 and I think I did go down to his office and
18 correct it, then I left the country and he
19 was dismissed by me.

20 "QUESTION: Who was your attorney?

21 "ANSWER: Lawrence W. Kreiger.

22 "QUESTION: In New York?

23 "ANSWER: Yes.

24 "QUESTION: Do you know his address?

25 "ANSWER: Pan Am Building, way downtown

1 somewhere. I could find it out.

2 "QUESTION: He is no longer your attorney?

3 "ANSWER: No, because he was negotiating a
4 book deal or something and that was that.

5 "QUESTION: On your behalf?

6 "ANSWER: Yes.

7 "QUESTION: Did it ever come to fruition?

8 "ANSWER: No.

9 "QUESTION: Would you agree to waive your
10 attorney/client privilege and have us discuss
11 the case, the facts of the case, in any way
12 with Mr. Freedman?"

13 MR. LANE: I should think she should be given
14 an opportunity to secure counsel?

15 "ANSWER: Who is Freedman?

16 "QUESTION: I meant, Kreiger.

17 MR. LANE: She should be given an opportunity
18 to get a copy.

19 "QUESTION: If you were able to obtain your
20 copy of the transcript, would you produce
21 that at the second deposition of you?

22 "ANSWER: No, I doubt that. There is certain
23 things in that testimony I wouldn't want
24 anyone to know. It should not be in the
25 hands of anyone.

1 "QUESTION: The story you told here today,
2 concerning when Mr. Lane was asking you
3 questions, was that the substance of your
4 testimony before the House Committee, also?

5 "ANSWER: Yes.

6 "QUESTION: You don't wish to change anything
7 from what you testified?

8 "ANSWER: No."

9 MR. LANE: From what she testified, when?

10 MR. DUNNE: I did not finish.

11 "QUESTION: When you testified at the House
12 Committee, an opposed to what you were
13 testifying to here?"

14 MR. LANE: Are you stating they are two
15 separate stories.

16 MR. DUNNE: Let me ask her.

17 "QUESTION: Is it your testimony today, that
18 today's testimony is consistent with what you
19 said before the House Select Committee?

20 "ANSWER: That's right.

21 "QUESTION: When was first time you met Howard
22 Hunt?

23 MR. LANE: If you are allowed to answer the
24 question.

25 "ANSWER: 1960, in Miami, Florida,

1 "QUESTION: How was he identified to you?

2 "ANSWER: Introduced as Edwardo.

3 "QUESTION: How do you spell that?

4 "ANSWER: E-D-W-A-R-D-O. Edwardo. He was to
5 finance the operations in Miami.

6 "QUESTION: What language did he speak to you
7 in?

8 "ANSWER: English and Spanish.

9 "QUESTION: English and Spanish?

10 "ANSWER: Yes.

11 "QUESTION: Do you speak Spanish?

12 "ANSWER: Yes.

13 "QUESTION: Any other languages?

14 "ANSWER: German.

15 "QUESTION: When is it that you became aware
16 this person you know as Edwardo was E. Howard
17 Hunt?

18 "ANSWER: About the same time. Edwardo was
19 the name we were to refer to him as, when
20 discussing things.

21 "QUESTION: Who did you believe he was working
22 for at that time?

23 "ANSWER: CIA.

24 "QUESTION: Why?

25 "ANSWER: Because we were all at that time CIA

1 members of Operation 40. We had been given
2 instructions from Edwardo and had certain
3 rights and permissions to do things that the
4 average citizen could not do.

5 "QUESTION: Such as?

6 "ANSWER: Just part of my testimony in the
7 committee. I don't want to repeat it, what
8 we were asked to do for the Central
9 intelligence. I won't go into everything,
10 what we were asked to do for patriotic
11 reasons and otherwise.

12 "QUESTION: Before giving your deposition, did
13 you contact anyone from any of the
14 intelligence agencies that you worked for,
15 asking to provide counsel for you at this
16 deposition.

17 "ANSWER: No.

18 "QUESTION: How do you know you would be
19 violating any right by giving testimony?

20 "ANSWER: First of all, it is on record, and I
21 don't plan to say too much.

22 "QUESTION: What other activities that other
23 Americans would not be able to do, did you
24 undertake, when working for Operation 40, in
25 Miami, after the time you met Howard Hunt in

1 1960?"

2 *MR. LANE: Objection. She already said she
3 cannot answer that. You have asked that
4 question before and she said she cannot
5 answer it.

6 "QUESTION: Is that your testimony?

7 "ANSWER: Yes, I cannot answer that."

8 MR. DUNNE: We will certify that.

9 "QUESTION: I would like you to detail each
10 job or mission you undertook as an undercover
11 agent for the Central Intelligence Agency in
12 1959 beginning in chronological order, are
13 you willing to do that?

14 "ANSWER: If that is what makes you happy, I
15 will tell you what is on record. I stole
16 secrets from Cuba. I was trained to kill.
17 Anything else.

18 "QUESTION: I would like to know the whole
19 chronological history?

20 "ANSWER: So would a lot of other people. I
21 don't think I will tell you.

22 "QUESTION: Why not?"

23 MR. LANE: She said she is not permitted. You
24 know what the law is. You never certified a
25 question when any other officers testified.

1 You did not certify one question. You have
2 the same position for this witness.

3 MR. DUNNE: Those were your depositions.

4 THE WITNESS: Yes, call one of my bosses.

5 "QUESTION: Is it your testimony you refuse to
6 answer those questions?

7 "ANSWER: On any of the secret missions.

8 "QUESTION: Yes.

9 "ANSWER: Yes.

10 "QUESTION: I will certify that question. Who
11 were the CIA agents that you reported to,
12 while undertaking any of those missions?"

13 MR. LANE: You are calling for the witness to
14 commit a crime.

15 THE WITNESS: Yes.

16 MR. LANE: You cannot ask questions which you
17 know are for the purpose of compelling someone to commit a
18 crime.

19 MR. DUNNE: She testified she worked for Hunt.

20 MR. LANE: She said she told you everything in the
21 public record. You are asking her to commit a crime. You are
22 certifying questions that will cause her to or force her to
23 commit a crime.

24 THE WITNESS: It is dangerous and unethical.

25 "QUESTION: Are you refusing to provide me

1 with the names of the people that you
2 reported to while conducting CIA work?

3 "ANSWER: --Yes.--

4 MR. DUNNE: Certify that question.

5 "QUESTION: What kind of cars did you drive
6 from Miami to Dallas in 1963?

7 "ANSWER: Frank Sturgis knows the make and
8 model. They were old cars. I don't remember
9 the make. It was a dark green car.

10 "QUESTION: Who were the people in the cars?

11 "ANSWER: Some of our co-workers and Sturgis.

12 Why? Do we have to name these?"

13 MR. DUNNE: That is up to you to answer the
14 question.

15 "ANSWER: The other one was Jerry Patrick --

16 "QUESTION: Jerry Patrick?

17 "ANSWER: Hemming.

18 "QUESTION: Is that, H-E-M-M-I-N-G?

19 "ANSWER: Yes.

20 "QUESTION: Was he a CIA employee?

21 "ANSWER: Yes."

22 "QUESTION: You identified yourself in the car,
23 yourself, Mr. Sturgis and Hemming?

24 "ANSWER: Yes; yes, a pilot.

25 "QUESTION: Who was the pilot?

1 "ANSWER: I will not name it now.

2 "MR. DUNNE: I will certify that.

3 "QUESTION: How many people all total, were in
4 the car?

5 "ANSWER: Four.

6 "QUESTION: Four in one car?

7 "ANSWER: Yes.

8 "QUESTION: What about the second car?

9 "ANSWER: I don't know.

10 "QUESTION: So you have identified three
11 people and there was a pilot.

12 "ANSWER: And Pedro Diaz Lanz, was his name,
13 L-A-N-Z.

14 "QUESTION: Was Lee Harvey Oswald in your car?

15 "ANSWER: In the other car, back-up car.

16 "QUESTION: Is there a reason why you wouldn't
17 tell me that when I asked you the question.

18 "ANSWER: No.

19 "QUESTION: Who else was in the back-up car?

20 "ANSWER: Two brothers; two Cuban brothers.

21 "QUESTION: What were their names?

22 "ANSWER: Novis.

23 "QUESTION: Novis?

24 "ANSWER: Yes.

25 "QUESTION: Is that their last name?

1 "ANSWER: Yes.

2 * "QUESTION: Do you know their first names?

3 "ANSWER: Guillermo.

4 "QUESTION: What about the other one?

5 "ANSWER: I don't know the other name.

6 "QUESTION: So that is seven people. Was
7 there anyone else?

8 "ANSWER: No.

9 "QUESTION: Did you see the weapons in the
10 second car?

11 "ANSWER: Yes.

12 "QUESTION: What kind of weapons were there?

13 "ANSWER: Hand guns and automatics.

14 "QUESTION: Could you identify for me today
15 what kind of guns they were, specifically?

16 "ANSWER: Rifles; there were cases of machine
17 guns, rifles, thirty-eights, forty-fives.

18 "QUESTION: Have you been trained in firearms?

19 "ANSWER: Yes.

20 "QUESTION: What the kind of rifles that were
21 there?

22 "ANSWER: M-16s, M-ones, shotguns; several.

23 "QUESTION: They were machine guns?

24 "ANSWER: Yes.

25 "QUESTION: In your work for the CIA Operation

1 40, was that one of the major takes you
2 * undertook was to transport guns?

3 "ANSWER: --Yes.--

4 "QUESTION: Was that is for the anti-Cuba
5 activities?

6 "ANSWER: Yes, it was.

7 "QUESTION: What happened to those guns, when
8 you got to Dallas?

9 "ANSWER: That they were in the car and I
10 presume they took them to the motel the next
11 day, the next night. A lot of things they
12 carried in.

13 "QUESTION: What motel did you stay in?

14 "ANSWER: I don't know the name.

15 "QUESTION: Where was it located?

16 "ANSWER: Dallas, in the outskirts.

17 "QUESTION: Do you remember what road it was
18 on?

19 "ANSWER: No.

20 "QUESTION: The day of the week that you
21 arrived at the hotel, do you remember that?

22 "ANSWER: The twenty-first.

23 "QUESTION: Do yo know what day of the week
24 that was?

25 "ANSWER: No.

1 "QUESTION: When did you leave Miami?

2 "ANSWER: Miami?

3 "QUESTION: On that trip?

4 "ANSWER: The next day, up north.

5 "QUESTION: When had you left Miami to go to
6 Dallas?

7 "ANSWER: A day before, a day or so to drive
8 up.

9 "QUESTION: It would be November 20th that you
10 left Miami?

11 "ANSWER: Yes.

12 "QUESTION: Where did you leave from?

13 "ANSWER: From the house in Miami.

14 "QUESTION: Is that a CIA house?

15 "ANSWER: A safe house; I presume so, yes.

16 "QUESTION: Did everyone meet at the same
17 place?

18 "ANSWER: Yes.

19 "QUESTION: Who else was at the house, besides
20 the seven people you identified?

21 "ANSWER: This fellow is incarcerated; it is
22 not fair to answer. Another fellow is dead.

23 "QUESTION: Incarcerated where?

24 "ANSWER: Out of the country, right now,
25 Venezuela somewhere?

1 "QUESTION: Is his name Bosch?

2 "ANSWER: Yes.

3 "QUESTION: What is his first name?

4 "ANSWER: Orlando.

5 "QUESTION: Was one of the anti-Castro Cubans
6 involved in Operation 40?

7 "ANSWER: Yes.

8 "QUESTION: Isn't that a matter of public
9 record?

10 "ANSWER: Yes.

11 "QUESTION: Who was the person at the house
12 that is now deceased?

13 "ANSWER: Alexander Porke, Jr.

14 "QUESTION: Is he a CIA employee.

15 "ANSWER: Yes.

16 "QUESTION: Was he a full-time employee or one
17 of the these people employed on a
18 mission-by-mission basis?

19 "ANSWER: Full time.

20 "QUESTION: Were any of the people that made
21 the trip plus Mr. Bosch and Mr. Rorke, to
22 your knowledge, full-time employees of the
23 CIA?

24 "ANSWER: I know Alex was and also working for
25 the FBI.

1 "QUESTION: Anyone else?

2 "ANSWER: No.

3 "QUESTION: You testified that Frank Sturgis
4 told you you were going to Dallas as a decoy.

5 "ANSWER: Yes, one of my prime missions and in
6 several of the operations but--

7 "QUESTION: To decoy what?

8 "ANSWER: I had no idea. I left to go back to
9 Miami.

10 "QUESTION: Were you asked to leave?

11 "ANSWER: No, I wanted to go back. I had a
12 child in Miami.

13 "QUESTION: You testified you flew back from
14 Miami?

15 "ANSWER: From Dallas to Miami, and from Miami
16 up north.

17 "QUESTION: Which airport did you fly out of?

18 "ANSWER: Dallas International. I don't
19 remember.

20 "QUESTION: What was your name at that time?

21 "ANSWER: I used a different name at that
22 time.

23 "QUESTION: What name did you use?

24 "ANSWER: Jimenez.

25 "QUESTION: Would you use that name or is that

1 the name you would use to purchase a ticket.

2 "ANSWER: That is the name I did use.

3 "QUESTION: Do you recall the airline you
4 flew?

5 "ANSWER: No.

6 "QUESTION: Have you testified to all these
7 facts before the House Select Committee?

8 "ANSWER: Yes.

9 "QUESTION: Who was your child staying with at
10 Miami?

11 "ANSWER: A maid.

12 "QUESTION: At your home?

13 "ANSWER: At her home.

14 "QUESTION: At the maid's home?

15 "ANSWER: Yes.

16 "QUESTION: What was the maid's name?

17 "ANSWER: Willie-Mae Taylor.

18 "QUESTION: Is she still alive.

19 "ANSWER: I have no idea.

20 "QUESTION: Who did you fly up to New York
21 with your child to see?

22 "ANSWER: My mother.

23 "QUESTION: Does she live in New York?

24 "ANSWER: Jersey, at the time.

25 "QUESTION: Do you recall what airline you

1 flew from Miami to New York?
2 "ANSWER: Easter.
3 "QUESTION: Under what name?
4 "ANSWER: Probably my real name.
5 "QUESTION: Marita Lorenz?
6 "ANSWER: Or Marita Jimenez.
7 "QUESTION: When did you arrive in New York?
8 "ANSWER: The next day in the evening.
9 "QUESTION: That would be November 22nd?
10 "ANSWER: Twenty-third; twenty-second.
11 "QUESTION: What day did you fly out of Dallas
12 to Miami?
13 "ANSWER: Same day, November the 22nd.
14 "QUESTION: It was the day Kennedy was killed.
15 "ANSWER: Yes.
16 "QUESTION: Were you involved in a cover-up
17 after the assassination of the President?
18 "ANSWER: Cover-up; no.
19 "QUESTION: What did you do after you got to
20 New York and found out that President Kennedy
21 was just assassinated in Dallas?
22 "ANSWER: Talked to the FBI.
23 "QUESTION: You talked to the FBI?
24 "ANSWER: Yes.
25 "QUESTION: Voluntarily?

1 "ANSWER: They wanted to talk to me anyway
2 about certain things with my child's father
3 and they picked me up and took me to the
4 office.

5 "QUESTION: What day would that have been?

6 "ANSWER: A few days after I arrived, after
7 everyone got over the initial shock.

8 "QUESTION: It would be some time in the month
9 of November of 1963.

10 "ANSWER: Yes.

11 "QUESTION: In your discussions with the FBI,
12 they inquired about your activities which
13 related to Dallas and this group of seven
14 people that took the car trip?

15 "ANSWER: Well, they discussed my associates
16 down there and my relationship with my
17 daughter's father, mostly.

18 "QUESTION: Did they know the names of the
19 people you took the car trip with from Miami
20 to Dallas?

21 "ANSWER: Yes.

22 "QUESTION: Did they ask you about each of
23 those people?

24 "ANSWER: Yes.

25 "QUESTION: Did you tell them about the guns

1 and money and about Edwardo?

2 "ANSWER: Yes.

3 "QUESTION: I will have to start again because
4 the court reporter cannot take nods down.

5 "ANSWER: I was nodding, yes, to each.

6 "QUESTION: What was your answer?

7 "ANSWER: They asked me about everything, my
8 daughter's father and I am glad I am back up
9 here away from that.

10 "QUESTION: You told them about Edwardo?

11 "ANSWER: Yes.

12 "QUESTION: And the guns?

13 "ANSWER: They knew about all those
14 associations. They didn't want to go into
15 it. Those were CIA activities, not FBI.

16 "QUESTION: The agents were in New York?

17 "ANSWER: New York and New Jersey. They were
18 concerned with the disappearance of Alexander
19 Rorke and his demise.

20 "QUESTION: Was he killed around that time?

21 "ANSWER: Yes.

22 "QUESTION: Was he working in Miami?

23 "ANSWER: Miami; New York.

24 "QUESTION: You told the FBI up here in
25 November of '63 you took a car trip to Dallas

1 with seven men with guns; you got there on
2 November 21st?

3 "ANSWER:-- They did not ask me about any
4 details until much later, especially at the
5 time of the hearing. They just asked me
6 about my relationship with my daughter's
7 father.

8 "QUESTION: Who was the father of your
9 daughter?

10 "ANSWER: It was -- you could find out; it was
11 printed in the press, not by my doing.

12 "QUESTION: What is his name?

13 "ANSWER: General Marcos Perez Jimenez.

14 "QUESTION: He is the former dictator of
15 Venezuela.

16 "ANSWER: Yes.

17 "QUESTION: That is why you took the name,
18 Jimenez for a while?

19 "ANSWER: Yes.

20 "QUESTION: Is your daughter's name, Jimenez?

21 "ANSWER: Yes.

22 "QUESTION: Where did you meet the agents in
23 New York, in the month of November of 1963?

24 "ANSWER: In the office. I came to my home in
25 Fort Lee, New Jersey.

1 "QUESTION: You did tell them things about the
2 trip to Dallas from Miami?

3 "ANSWER:-- Yes."

4 "QUESTION: Did they ask you anything which
5 you think is related to the Kennedy
6 assassination?

7 "ANSWER: No, not really. Just that they were
8 wild boys, my associates down there. Now
9 that I had a child, I was to freeze and sleep
10 for a while.

11 "QUESTION: How old was your child?

12 "ANSWER: Just a baby then.

13 "QUESTION: Months or years?

14 "ANSWER: She was born in 1962.

15 "QUESTION: How long did you stay in New York
16 then?"

17 MR. LANE: She testified she stayed in New
18 Jersey.

19 "QUESTION: New Jersey; how long did you stay
20 there, then?

21 "ANSWER: I resided there and then I moved to
22 Manhattan and started to work for the bureau.

23 "QUESTION: In 1963?

24 "ANSWER: Yes.

25 "QUESTION: When was the next time you ever

1 saw Howard Hunt?

2 "ANSWER: I think I am uncertain of the time,
3 a year or so later in Miami, shortly,
4 briefly, when I went to look up Sturgis.

5 "QUESTION: Did you see him in one of the CIA
6 safe houses.

7 "ANSWER: Yes or the motel on Brickell Avenue
8 where he resided.

9 "QUESTION: Brickell Avenue in Miami?

10 "ANSWER: Yes.

11 "QUESTION: Were you on a mission at that
12 point?

13 "ANSWER: No, I was -- it was a hearing I had
14 with the general's attorney.

15 "QUESTION: The attorney general?

16 "ANSWER: No. General Jimenez.

17 "QUESTION: You had a paternity action going
18 on?

19 "ANSWER: No, I never had one. Paternity was
20 established. It was to regain the trust fund
21 that used to come through.

22 "QUESTION: Was the general deposed at or
23 around that time for being the head of the
24 Government of Venezuela?

25 "ANSWER: He was in power ten years and fled

1 and resided in Florida, then was extradited
2 from the country in 1963.

3 "QUESTION: He was power previously?

4 "ANSWER: Yes.

5 "QUESTION: He was no longer in power when
6 your daughter was born?

7 "ANSWER: No.

8 "QUESTION: He was extradited back to
9 Venezuela?

10 "ANSWER: Yes.

11 "QUESTION: Is he still alive?

12 "ANSWER: Yes.

13 "QUESTION: Living in Venezuela?

14 "ANSWER: Madrid, Spain.

15 "QUESTION: Why didn't you not come forward to
16 the Warren commission to say what you knew
17 about the Kennedy assassination.

18 "ANSWER: No one called me I made no effort.

19 "QUESTION: Did you believe you were involved
20 with the assassination of John F. Kennedy?"

21 MR. LANE: That she was personally involved?

22 "ANSWER: No, I was not involved in that.

23 Others might have been. I was not.

24 "QUESTION: Did you think you had material
25 knowledge about it?

1 "ANSWER: No, I did not think it was
2 important.

3 "QUESTION: Do you think those people are the
4 ones that killed President Kennedy?"

5 MR. LANE: Objection; that is calling for
6 speculation. She gave you the facts.
7 Did you ever talk with Frank Sturgis about
8 it, since then?

9 "ANSWER: We are not on talking terms, Frank
10 and I.

11 "QUESTION: That was not my question. Have
12 you ever talked about it with Frank Sturgis
13 since 1963?

14 "ANSWER: Yes.

15 "QUESTION: Did he indicate to you that he was
16 involved in the assassination of the
17 President.

18 "ANSWER: Yes.

19 "QUESTION: You are voluntarily appearing here
20 today; are you not?

21 "ANSWER: Yes.

22 "QUESTION: Who was the mutual friend that put
23 you in touch about Mr. Lane for him to get
24 you to come here today.

25 MR. LANE: Objection.

1 "QUESTION: Why are you testifying here
2 voluntarily today?

3 "ANSWER:-- I would like to get things over
4 with. I would like to just get things over
5 with.

6 "QUESTION: Are you planning to come to Miami
7 to testify at the trial?

8 "ANSWER: No.

9 "QUESTION: What do you mean, when you say, to
10 get things over with?

11 "ANSWER: I believe I should.

12 "QUESTION: Are you being paid to testify
13 here?

14 "ANSWER: No.

15 "QUESTION: What contact with Mr. Lane have
16 you had since you first told him the story in
17 1977, that you earlier told today?

18 "ANSWER: Very little.

19 "QUESTION: I will go into questions about
20 your background. Is it true you were once
21 the mistress of Fidel Castro?"

22 MR. LANE: Objection; irrelevant?

23 "ANSWER: That is what they wrote.

24 "QUESTION: Is it true?

25 "ANSWER: Yes.

1 "QUESTION: When did you meet Fidel Castro?

2 "ANSWER: February-28th, 1959.

3 "QUESTION: That was aboard your father's
4 vessel in the Port of Havana?

5 "ANSWER: Yes.

6 "QUESTION: You were eighteen years old at the
7 time?

8 "ANSWER: Yes.

9 "QUESTION: You subsequently became his
10 mistresss?

11 "ANSWER: I lived there; yes.

12 "QUESTION: You were his mistress, too?

13 "ANSWER: Of course, yes. I lived with him,
14 if that is what you wanted to hear.

15 "QUESTION: This is the same Fidel Castro who
16 threw the revolution, became the dictator of
17 Cuba?

18 "ANSWER: The same Fidel -- yes, of course.

19 "QUESTION: Subsequently you left Cuba?

20 "ANSWER: Yes.

21 "QUESTION: Did you undertake to attempt to
22 assassinate Fidel Castro before you left
23 Cuba?

24 "ANSWER: Well, let's say it was a bad try;
25 yes.

1 "QUESTION: What did you try to do?

2 "ANSWER: Poison him."

3 MR. LANE: Before she left Cuba the first
4 time.

5 "ANSWER: I was sent back and first trained
6 very well.

7 "QUESTION: Your testimony is that you were
8 Castro's mistress, then you left the island?

9 "ANSWER: Yes.

10 "QUESTION: Why did you leave the island?

11 "ANSWER: Because I came out almost dead. His
12 first year in power was very rough. It was
13 very -- probably with the help of the CIA,
14 the first time; yes.

15 "QUESTION: Why did you leave Cuba?" You left Cuba
16 after you became Castro's mistress?

17 "ANSWER: Yes.

18 "QUESTION: You returned?

19 "ANSWER: To the United States.

20 "QUESTION: Then you received some kind of training?

21 "ANSWER: Yes.

22 "QUESTION: From whom?

23 "ANSWER: CIA, Sturgis and the group down
24 there.

25 "QUESTION: Who?

1 "ANSWER: The whole Bay of Pigs bunch.

2 "QUESTION: Operation 40 and all of those
3 people?"

4 "ANSWER: Yes.

5 "QUESTION: Is this around the same time you
6 met E. Howard Hunt?

7 "ANSWER: Yes.

8 "QUESTION: All the people we have been
9 talking about that you took the trip to
10 Dallas with, this is the time you started
11 associating with them?

12 "ANSWER: Yes.

13 "QUESTION: You were thereafter trained as a
14 CIA agent and you left to go back to Cuba on
15 a mission to assassinate Castro?

16 "ANSWER: Yes.

17 "QUESTION: When?

18 "ANSWER: 1960.

19 "QUESTION: Did you take up residence with
20 Castro at that time when you returned?

21 "ANSWER: Yes.

22 "QUESTION: Did you commit any intelligence --
23 gathering acts?

24 "ANSWER: Yes.

25 "QUESTION: What did you obtain?

1 "ANSWER: They are going to get me from all
2 * corners; just highly classified documents are
3 brought out with me.

4 "QUESTION: You were on the CIA payroll at
5 that time?

6 "ANSWER: Yes.

7 "QUESTION: Who were you reporting to if you
8 have already named that person?

9 "ANSWER: Sturgis, Hunt, Artime and Alex
10 Rorke.

11 "QUESTION: The testimony you are giving, was
12 this testimony given to the House Select
13 Committee?

14 "ANSWER: Yes.

15 "QUESTION: Is there a reason why you never
16 told the press before that Howard Hunt was
17 one of the people that had assigned you to
18 attempt to assassinate Castro?

19 "ANSWER: Everyone knows that he was a station
20 chief down there, and he paid us. Most of
21 the operation down there -- he had enough
22 press coverage. It was public; why should I
23 go to the press and single him out.

24 "QUESTION: You have gone to the press and
25 said that Sturgis hired you to kill Castro?

1 "ANSWER: Sturgis trained me; yes.

2 "QUESTION: You have given statement to the
3 members of the press that Sturgis was the one
4 who hired you to kill Castro?

5 "ANSWER: Yes.

6 "QUESTION: You never told the press that it
7 was Hunt that hired you?

8 "ANSWER: Hunt funded the operation; Sturgis
9 trained me.

10 "QUESTION: Is there a reason why you never
11 told the member of the press Hunt was the one
12 that was Sturgis's boss that was paying for
13 the operation to kill Castro.

14 MR. LANE: She did not testify that Hunt was
15 Sturgis's boss. She testified that he was
16 the paymaster?

17 "ANSWER: Not directly; I never said that. I
18 said it was E. Howard Hunt that sent me -- we
19 were all together in that group.

20 "QUESTION: You have described yourself in
21 some accounts as a Mata Hari?

22 "ANSWER: That was a title given to me by the
23 press; I don't describe myself as that.

24 "QUESTION: You never said that to anyone?

25 "ANSWER: That is what they call me, a Mata

1 Hari.

2 * "QUESTION: You testified earlier that the New
3 York lawyer, Kreiger, was involved in trying
4 to set up a book about you. He was trying to
5 set up a movie about your life story; was he
6 not?

7 "ANSWER: Yes.

8 "QUESTION: Did that ever come to pass?

9 "ANSWER: No.

10 "QUESTION: When was the last time you saw
11 Frank Sturgis?

12 "ANSWER: On television a year ago, Hemming
13 was talking about me.

14 "QUESTION: The first time you met him, I am
15 not sure I asked you that before, was 1960
16 the first time you met Frank?

17 "ANSWER: I met him in Cuba in 1959, the first
18 time.

19 "QUESTION: Sturgis was in the Military with
20 Castro from the revolution?

21 "ANSWER: Yes.

22 "QUESTION: Was he chief of security for the
23 air force?

24 "ANSWER: Yes.

25 "QUESTION: Was he known as Fiorini at that

1 time?

2 "ANSWER: Yes.

3 "QUESTION: Was he ever known as Fiorino?

4 "ANSWER: Possibly; he was always changing
5 his name.

6 "QUESTION: When was first time you met Lee
7 Harvey Oswald? Did you ever meet Lee Harvey
8 Oswald?

9 "ANSWER: While we were training in the Bay of
10 Pigs for the Bay of Pigs.

11 "QUESTION: The invasion?

12 "ANSWER: Yes.

13 "QUESTION: You met Lee Harvey Oswald there?

14 "ANSWER: Yes.

15 "QUESTION: The Bay of Pigs was in mid- to
16 late--1962.

17 "ANSWER: Yes, April 21st.

18 "QUESTION: So, you met Lee Harvey Oswald, was
19 it lat 1961 or early 1962?

20 "ANSWER: If I recall, 1962. I don't remember
21 exactly; he wanted to be part of the
22 invasion.

23 "QUESTION: You were going through some kind
24 of commando training?

25 "ANSWER: Guerrilla.

1 "QUESTION: Where was that occurring?

2 "ANSWER: In the Everglades, Central America
3 countries. -

4 "QUESTION: Did you used to see Howard Hunt
5 there?

6 "ANSWER: Miami; yes.

7 "QUESTION: Not at the training sites.

8 "ANSWER: Yes; sometimes.

9 "QUESTION: What did you know Lee Harvey
10 Oswald as?

11 "ANSWER: Ozzie.

12 "QUESTION: Can you give me a month, to the
13 best of your recollection, when you first me
14 him?

15 "ANSWER: We were training for about a year.
16 I cannot recall that.

17 "QUESTION: Was he there most of the time of
18 the training?

19 "ANSWER: Sometimes; not an always, depending
20 on what type of training we had.

21 "QUESTION: Did you used to see him all the
22 time when once he started going around?

23 "ANSWER: No; just several times.

24 "QUESTION: He went through some of the
25 courses with you?

1 "ANSWER: Yes.

2 "QUESTION: Patrick Hemming or Jerry Hemming
3 was one of the people in the car with you
4 that drove to Dallas.

5 "ANSWER: Yes.

6 "QUESTION: When did you first meet him?

7 "ANSWER: Early sixties, in that time.

8 "QUESTION: Was he involved in Operation 40?

9 "ANSWER: Yes.

10 "QUESTION: Was he a Cuban nationalist that
11 wanted to go back?

12 "ANSWER: No, an American paratrooper.

13 "QUESTION: Was he still affiliated with the
14 military?

15 "ANSWER: He was teaching us paramilitary
16 techniques and explosives, weapons."

17 MR. LANE: Off the record.

18 (Whereupon, at this time, a discussion was
19 held off the record.)

20 "QUESTION: Have you ever met Victor
21 Marchetti?

22 "ANSWER: No.

23 "QUESTION: Have you ever talked to him?

24 "ANSWER: No.

25 "QUESTION: Does the name mean anything to

1 you?

2 "ANSWER: He is an agent. I think he wrote a
3 book, Victor Marchetti.

4 "QUESTION: Are you aware of the fact that the
5 subject matter of this lawsuit is an article
6 written by Victor Marchetti?

7 "ANSWER: I know now.

8 "QUESTION: You did not know before this?

9 "ANSWER: No.

10 "QUESTION: It would also be true then, that
11 you had no conversation with Mr. Marchetti
12 before he wrote this paragraph from the
13 article in question --

14 "QUESTION: He never inquired with you about
15 my facts that he would be putting into a news
16 story?

17 "ANSWER: No.

18 "QUESTION: When was the last time that you
19 saw Jerry Hemming?

20 "ANSWER: On God; years ago, 1963.

21 "QUESTION: Is it your perception he was
22 involved in CIA the in any other capacity or
23 any other way, other than the Bay of Pigs?

24 "ANSWER: No, just that.

25 "QUESTION: Did you tell the House Select

1 Committee on Assassinations about Jerry
2 Hemming?

3 "ANSWER:-- No one, really; just agents that
4 question me and that's it..

5 "QUESTION: You testified earlier that you
6 have made statements to the press about Frank
7 Sturgis; that is correct, is it not?

8 "ANSWER: Yes.

9 "QUESTION: You testified before the House
10 Select Committee about Frank Sturgis?

11 "ANSWER: Yes.

12 "QUESTION: Did you have chance to read the
13 article that appeared in the Miami Herald on
14 April 20th, 1975, which attributed certain
15 statements to you about having Sturgis hire
16 you to kill Castro?

17 "ANSWER: I never heard that.

18 "QUESTION: Would it refresh your recollection
19 if I told you the article mentioned the
20 Havana Hilton and you were stealing maps that
21 said things that where Russian placements of
22 armaments were. That would not refresh your
23 recollection?

24 "ANSWER: No, I did not see the article.

25 "QUESTION: When was the first time that it

1 became public knowledge to the best of your
2 * knowledge, that you had been Fidel Castro's
3 mistress? -

4 "ANSWER: Article in 1959, just said I was
5 there and I was called as his mistress and
6 then nothing in 1975.

7 "QUESTION: In 1975, what happened?

8 "ANSWER: The newspapers picked it up here. I
9 think Frank wrote some articles in those
10 supermarket papers and then in the Daily
11 News, they picked it up and everyone else.

12 "QUESTION: To the best of your knowledge,
13 what was the subject matter of those
14 articles?

15 "ANSWER: That I was not the mistress anymore,
16 that I became the assassin.

17 "QUESTION: Nothing else about your
18 involvement with him?

19 "ANSWER: Who.

20 "QUESTION: Sturgis?

21 "ANSWER: No. .

22 "QUESTION: Let's talk about what happened
23 between you and Frank Sturgis in 1977. Is it
24 true that you filed a complaint with the New
25 York City Police Department regarding Mr.

1 Sturgis; is it not?

2 "ANSWER: A report or what do you mean,
3 harassment. -

4 "QUESTION: You filed a report with the New
5 York City Police Department about Frank
6 Sturgis; did you not?

7 "ANSWER: Yes.

8 "QUESTION: Is it true he was arrested in your
9 apartment on November 3rd, 1977; is it not?

10 "ANSWER: November 3rd; no. October 31st, he
11 was taken downtown.

12 "QUESTION: He was rested in your apartment by
13 two New York City police detectives waiting
14 there with their guns drawn when he got to
15 your door?

16 "ANSWER: Yes.

17 "QUESTION: Why were the New York City Police
18 waiting there when he got to your door?"

19 MR. LANE: Objection; irrelevant.

20 "ANSWER: Everyone knows that. That was on
21 the record. He was threatening me.

22 "QUESTION: How?

23 "ANSWER: Not to talk.

24 "QUESTION: To whom?

25 "ANSWER: To the House Assassination

Committee.

"QUESTION: Hadn't you already made statements to investigators to the House?"

MR. LANE: By the date, you mean?

"QUESTION: By October 31st, 1977.

"ANSWER: If I recall, no; what investigators, police?

"QUESTION: The question is, had you made statements for investigators for the House Committee before the date that he was arrested in your apartment?

"ANSWER: I don't recall. I don't know exactly. It depends on what subject.

"QUESTION: You and Mr. Sturgis had several phone conversations before you arrived there?

"ANSWER: Yes.

"QUESTION: Does the number seven ring a bell?

"ANSWER: Seven?

"QUESTION: Yes.

"ANSWER: In other words, he taped me, I taped him; we called each other.

"QUESTION: Did you tape the phone conversations, too?

"ANSWER: Every one of them.

"QUESTION: Do you still have those tapes.

1 "ANSWER: No.

2 "QUESTION: Who has them?

3 "ANSWER:-- They are locked away, as far as I
4 know.

5 "QUESTION: Where?

6 "ANSWER: I turned them over.

7 "QUESTION: To whom?

8 "ANSWER: Intelligence.

9 "QUESTION: What intelligence community? Who
10 were the people you gave it to?

11 "ANSWER: FBI.

12 "QUESTION: Did you ever give the tape
13 recordings to the New York City Police
14 Department or the district attorney's office
15 that was prosecuting?

16 "ANSWER: The district attorney took some.

17 "QUESTION: At one time, the district attorney
18 had your tapes of the conversations with
19 Sturgis?

20 "ANSWER: Yes.

21 "QUESTION: Sturgis taped-recorded the
22 conversations?

23 "ANSWER: Yes.

24 "QUESTION: His wife held a press conference
25 in D.C. and she released the information

1 about those conversations?

2 "ANSWER: I don't know that he said he taped
3 them, as far as I know, I did not see through
4 the phone.

5 "QUESTION: Is it true the charges that you
6 filed against him were dismissed, were they
7 not?

8 "ANSWER: Yes,

9 "QUESTION: Do you know what the basis of the
10 dismissal was?

11 "ANSWER: The tapes, they did not have enough
12 evidence for an arrest charge or what.

13 "QUESTION: The charge that you had lodged
14 against Mr. Sturgis, do you know why it was
15 dismissed?"

16 MR. LANE: Objection. Irrelevant.

17 "ANSWER: I was not here at the time. I
18 assumed they were dismissed; yes.

19 "QUESTION: I am reading from the Associated Press
20 release that is dated September 20th 1977?"

21 MR. LANE: That is improper. Show it to her. Don't
22 read it to her. That is improper.

23 MR. DUNNE: I can conduct my examination.

24 MR. LANE: If you have a document that is an exhibit,
25 show it to her and let her read it. That is the proper way.

1 Anything else is unethical, We never did that with any of the
2 other witnesses. Show it to her. Then you can ask her
3 questions. -- --

4 MR. DUNNE: I am not prepared to show her the
5 document.

6 MR. LANE: I will object to that. I will object to it
7 because none of this is relevant. It is all hearsay.

8 BY MR. DUNNE:

9 "QUESTION. In AP news release, dated September 20th,
10 1977, a statement is attributed to you, according to
11 the Daily News. It is attributed to you that you
12 went by car to Dallas from Miami with Oswald,
13 Sturgis, CIA contract agent and one of the five men
14 that broke into the Watergate complex, Cuban exile
15 leader Bosch and Pedro Diaz Lanz, and two other Cuban
16 men whose names she does not know. That testimony is
17 fairly consistent with what you said today; is it
18 not, that statement is fairly consistent -- "I would
19 like an answer to my question?

20 "ANSWER: More or less it is in that context;
21 yes.

22 "QUESTION: Here is the document?

23 "ANSWER: Yes.

24 "QUESTION: Feel free to read Plaintiff's
25 Exhibit 2, which I now hand to you?

1 "ANSWER: Okay.

2 "QUESTION: You have had a chance to read it?

3 "ANSWER:-- I never saw it.

4 "QUESTION: My question is, did you ever
5 statement to that New York City Daily news?

6 "ANSWER: More or less; word-for-word, not
7 exactly that. It says, the Daily News said;
8 fine. More or less I did say that; they are
9 a little backwards.

10 "QUESTION: This precedes your testimony
11 before the House Select Committee on
12 Assassinations?

13 "ANSWER: Yes, it happened before.

14 "QUESTION: Feel free to read Plaintiff's
15 Exhibit 1, which I now hand to you.

16 "ANSWER: That is hardly true.

17 "QUESTION: There is no question pending,
18 ma'am. Are you finished reading it?

19 "ANSWER: I don't want to.

20 "QUESTION: I will ask you questions about it.
21 You have had a chance to read Plaintiff's
22 Exhibit 1, the Associated Press release of
23 November 4th, 1977?

24 "ANSWER: Yes.

25 "QUESTION: You read the portion where the

1 assistant district attorney states -- his
2 * name is Broomer -- that the lack of any
3 substantiation of your charges impairs your
4 credibility when he asked the judge to
5 dismiss the charges against Mr. Sturgis?

6 "ANSWER: I was not there, number one. All I
7 know is that illegally things were taken out
8 of my house wouldn't a warrant and were taken
9 to Mr. Broomer and when they were given back,
10 a lot of documents, classified documents were
11 missing. That is all I know.

12 "QUESTION: You were told that charges against
13 Mr. Sturgis were dismissed?"

14 MR. LANE: That was asked and answered. I
15 will object to your asking again.

16 "ANSWER: Yes.

17 "QUESTION: Is it true your daughter was
18 arrested at or around that time for
19 possession of a hand gun?

20 "ANSWER: Yes."

21 MR. LANE: Objection to the question.
22 Irrelevant?

23 "QUESTION: Did you tell someone from the
24 media that your daughter was carrying it for
25 protection against Mr. Sturgis?"

1 MR. LANE: Objection?

2 "ANSWER: The police department was notified
3 and I had her picked up with the weapon.

4 "QUESTION: You notified the police?

5 "ANSWER: Yes.

6 "QUESTION: Did you tell someone from the
7 media?

8 "ANSWER: Yes, they were on the phone at that
9 same damn time, then I told him to call and
10 he called immediately, a second later."

11 MR. LANE: I think we better approach the bench unless
12 you want to agree to leave it out.

13 (At the bench.)

14 MR. LANE: This about Frank Sturgis with the lie
15 detector test and what the test showed.

16 MR. SNYDER: I will keep out everything about his lie
17 detector test if you leave out about her.

18 MR. LANE: Her lie?

19 MR. SNYDER: Her lie detector test.

20 MR. LANE: I say you should leave it out all the lie
21 detector test. I agree.

22 THE COURT: Both of you leave it out.

23 MR. SNYDER: He was going to line ten. I object to
24 Mr. Lane's questions of Mrs. Lorenz, why she would not come
25 down here. She was afraid Hunt would kill her. I do not think

1 it has any relevance.

2 MR. LANE: You raised the question.

3 MR. SNYDER: I did not.

4 MR. LANE: I will leave it out.

5 BY MR. DUNNE:

6 "QUESTION: I show you Plaintiff's Exhibit 3

7 and ask you to read the article entitled

8 "Sturgis Charges Dropped".

9 "ANSWER: Yes.

10 "QUESTION: As is stated in this article, is

11 the reason why you had Sturgis arrested

12 because he threatened you to prevent you from

13 testifying before the House Assassination

14 Committee?

15 "ANSWER: Let me tell you something. I never

16 filed a formal ninety-complaint to have

17 Sturgis arrested. Those police officers were

18 there. I did not file a formal complaint and

19 have him arrested. They were there in the

20 house. They were concerned about any safety.

21 "QUESTION: What did you tell them Mrs.

22 Sturgis was trying to do to you?

23 "ANSWER: He was arrested and it was

24 dismissed.

25 "QUESTION: The charge you made against him, I

1 just want to understand. You said he was
2 threatening you from testifying before the
3 House Select Committee?

4 "ANSWER: Yes.

5 "QUESTION: Plaintiff's Exhibit 4, please read
6 it.

7 "ANSWER: Yes, This is --

8 "QUESTION: The last paragraph states you had
9 stated that Sturgis was the man, the
10 so-called man on the grassy knoll. Had you
11 ever said that to anyone?

12 "ANSWER: I think he himself said that, too,
13 whatever; yes.

14 "QUESTION: Have you ever told anyone Frank
15 Sturgis was the man on the grassy knoll?

16 "ANSWER: The Committee, the House
17 Assassination Committee.

18 "QUESTION: You told them that?

19 "ANSWER: Yes.

20 "QUESTION: How would you know that?

21 "ANSWER: He told me.

22 "QUESTION: Did he say he shot President
23 Kennedy?

24 "ANSWER: He said he as was there.

25 "QUESTION: Are you aware whatever the House

1 Select Committee on Assassinations' finally
2 report stated regarding their investigation
3 of President Kennedy's assassination?

4 "ANSWER: I think the final conclusion was that it was
5 a conspiracy with organized crime members and -- I
6 don't remember.

7 "QUESTION: Are you aware of the fact the
8 report exonerated the Secret Service, FBI and
9 CIA, when it stated that the Committee
10 believed they were not involved in the
11 assassination of the President?

12 "ANSWER: The final conclusions, I did not
13 ready. I did not bother.

14 "QUESTION: You did testify before the House
15 Select Committee that Mr. Hunt was present in
16 that room in the motel in Dallas?

17 "ANSWER: Yes.

18 "QUESTION: Have you ever read the report
19 generated by the House Select Committee on
20 Assassinations?

21 "ANSWER: No.

22 "QUESTION: Are you aware whether or not your
23 name is mentioned in here whatsoever?

24 "ANSWER: No, I was told it was would never be
25 made public.

1 "QUESTION: BY whom?

2 "ANSWER: Chief counsel, Blakely.

3 "QUESTION: He told you that the fact that you
4 testified would never be made public?

5 "ANSWER: That's right.

6 "QUESTION: Did he tell you the subject matter
7 for which you testified would not be public?

8 "ANSWER: Right.

9 "QUESTION: Did he tell you why it would never
10 be made public?

11 "ANSWER: Security.

12 "QUESTION: Did he tell you that on the
13 record.

14 "ANSWER: Yes.

15 "QUESTION: Recorded by stenographers?

16 "ANSWER: Yes.

17 "QUESTION: When was the last time you ever
18 saw Howard Hunt?

19 "ANSWER: On television?

20 "ANSWER: 1963.

21 "QUESTION: In person, it was 1963?

22 "ANSWER: Yes.

23 "QUESTION: Was it in Dallas?

24 "ANSWER: 1963; yes, I guess there.

25 "QUESTION: Did you stay involved in the

1 Operation 40 group after you flew back from
2 * Dallas to Miami.

3 "ANSWER:-- No."

4 "QUESTION: You never saw those people again?

5 "ANSWER: No, except the one time I went back
6 to Miami at the Brickell Avenue apartment.

7 "QUESTION: You were never involved further
8 with anti-Cuban efforts?

9 "ANSWER: Activities; no.

10 "QUESTION: Did you relationship with the CIA
11 cease, at that time?

12 "ANSWER: Activity; I guess so, yes. I
13 underwent other things. I had a child.

14 "QUESTION: Since then, you have undertaken
15 other things for the CIA?

16 "ANSWER: Yes.

17 "QUESTION: Have you ever been indicted for
18 any crimes?

19 "ANSWER: No.

20 "QUESTION: Have you ever been convicted of a
21 crime.

22 "ANSWER: No.

23 "QUESTION: Have you ever produced any
24 documentary evidence to prove your
25 whereabouts for any of the dates or times

1 testified about in this deposition
2 • today?"

3 MR. LANE: You have to be specific.

4 "QUESTION: Have you ever produced
5 documentation to anyone that proved you were
6 in Dallas on November 21st of 1963?

7 "ANSWER: At that specific time, whatever I
8 had in the volume, Mr. Broome knows and were
9 missing when I got them back.

10 "QUESTION: Do you have documentation in there
11 concerning your whereabouts in November of
12 1963?

13 "ANSWER: Not that I know of; no, not on that
14 specific time, no. Other things; yes.

15 "QUESTION: How would you because for your
16 plane-tickets?

17 "ANSWER: Cash.

18 "QUESTION: I did not ask you this before. Do
19 you know how much money was in the envelope
20 that Hunt handed to Sturgis?

21 "ANSWER: Couple thousand dollars. It was
22 what we needed to operate, standard."

23 MR. DUNNE: No more questions by me.

24 "RE-CROSS EXAMINATION

25 "BY MR. LANE:

1 "QUESTION: Mr. Dunne asked you if you have
2 * documentation for any of the testimony that
3 you have offered. Have you seen pictures of
4 you published in the press, showing you with
5 Fidel Castro?

6 "ANSWER: Yes.

7 "QUESTION: Have you received any documents or
8 commendations from any intelligence
9 organizations?

10 "ANSWER: Several.

11 "QUESTION: If you can find those, would you
12 be willing to send them to me, to be appended
13 to this deposition, photographs of you and
14 Mr. Castro and whatever commendations you
15 might have?

16 "ANSWER: Yes."

17 MR. LANE: Then it was a stipulation between counsel
18 and myself about that. I think the rest of it would be
19 preferable not to read, do you agree?

20 MR. SNYDER: Yes. By stipulation Mr. Lane has
21 stipulated to the entry into evidence of what was identified at
22 that deposition as Plaintiff's Exhibit No. 2, and I have marked
23 it Plaintiff's Exhibit No. 29 for this trial.

24 THE COURT: Is that correct, counsel?

25 MR. LANE: Yes.